

# **CITY COMMISSION AGENDA**

City Hall Commission Chambers

Monday, February 7, 2011

7:00 p.m.

MEETING #4836

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION:** by Captain Joaquin Rangel of the Salvation Army

**PLEDGE OF ALLEGIANCE** colors presented by Dodge City Boy Scouts

## **PETITIONS & PROCLAMATIONS**

Boy Scout Anniversary Proclamation

**VISITORS** (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).

Character Trait – Persuasiveness

Presented by Director of Public Information, Jane Longmeyer

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, January 18, 2011
2. Approval of City Commission Work Session minutes, January 18, 2011
3. Approval of Joint City/County Meeting minutes, January 31, 2011
4. Appropriation Ordinance No. 3, February 7, 2011
5. Cereal Malt Beverage License
  - a. Gene's Heartland Foods, 1800 Central
6. Ratification of UCI contract for emergency repair at the South Treatment Plant.

## **ORDINANCES & RESOLUTIONS**

**Ordinance No. 3508:** An Ordinance of the City of Dodge City, Kansas Adopting by Reference an Amendment to the Zoning Ordinance by Repealing and Replacing Article IV Regulating Landscaping and Buffer Requirements. Report by Director of Parks & Recreation, Paul Lewis.

**Ordinance No. 3509:** An Ordinance Rezoning a Tract of Land in the Milstock Addition From R-2, Residential Medium Density to R-3, Residential High Density. Report by Director of Developmental Services, Dennis Veatch.

**Ordinance No. 3510:** An Ordinance Rezoning a Tract of Land Known as Dillions West From R-1, Residential Low Density to C-2, Highway Commercial. Report by Director of Developmental Services, Dennis Veatch.

**Resolution No. 2011-01:** A Resolution of the Governing Body of the City of Dodge City, Kansas Determining That the City is Considering Establishing a Rural Housing Inventive District Within the City and Adopting a Plan for the Development of Housing and Public Facilities in Such Proposed District; Establishing the Date and Time of a Public Hearing on Such Matter, and Providing for the Giving of Notice of Such Public Hearing. Report by City Manager, Ken Strobel.

**Resolution No. 2011-02:** A Resolution Requesting Support of an Application for Housing Tax Credits to be Utilized for the Development of Affordable Rental Housing Located at 1107 6<sup>th</sup> Avenue, Dodge City, KS. Report by Housing and Neighborhood Revitalization Coordinator, Kaci Davignon.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Approval of Contract with BHC for Design and Engineering of Comanche Street from 14<sup>th</sup> Street to US-50. Report by Director of Engineering Services, Joe Finley.
2. Approval of Bid from APAC Kansas, Inc., Shears Division for Construction of Brier Street Improvements. Report by Director of Engineering Services, Joe Finley.
3. Right of Way Purchase for Wastewater Treatment Facility lines. Report by Director of Engineering Services, Joe Finley.
4. Approval of Industrial Park #3 Plat. Report by Director of Developmental Services, Dennis Veatch.
5. Appointment to Boards and Commissions. Report by Director of Public Information, Jane Longmeyer.

## **OTHER BUSINESS**

## **ADJOURNMENT**

*SCOUT WEEK PROCLAMATION*  
*FEBRUARY 6, 2011 - FEBRUARY 12, 2011*

*WHEREAS*, the Boy Scouts of America, through community organizations and dedicated adult volunteers, has served our youth since its founding in 1910. Over the past 100 years, millions of young people have learned Scouting's lessons of patriotism, courage, and self-reliance; and many more have benefited from the service, inspiration, and leadership of the Boy Scouts; and,

*WHEREAS*, former Scouts have gone on to become leaders in all fields, -- business, education, and government. The values they learned through Scouting gave them the confidence to make ethical choices and to realize their full potential as active and responsible citizens; and,

*WHEREAS*, this youth movement has made, through its values-based program, service to others its mission; and,

*WHEREAS*, the Santa Fe Trail Council of the Boy Scouts of America and its Cub Scout packs, Boy Scout troops, and Venture crews are "Celebrating the Adventure ★ Continuing the Journey" into the next 100 years; be it

*RESOLVED*, that I, Kent Smoll, Mayor of Dodge City, Kansas, do hereby designate February 6-12, 2011 as Scouting Anniversary Week and urge our citizens to join with me in expressing appreciation to the community organizations that sponsor Scouting; to the volunteers who serve with the partner organizations; and to the youth in the Santa Fe Trail Council of the Boy Scouts of America.

*IN OFFICIAL RECOGNITION THEREOF*, I hereby affix my signature, and cause to be affixed the official seal of the City of Dodge City, this 7th day of February, 2011.



SEAL

\_\_\_\_\_  
E. Kent Smoll, Mayor

\_\_\_\_\_  
Nannette Pogue, City Clerk



# Persuasiveness

## Behaviors and Skills to Practice Persuasiveness:

- **Be Clear:** Provide overall direction and develop a clear understanding of the topic or issue being discussed.
- **Listen and Respond:** Show that you are actively listening to and understanding the concerns and feelings of individuals or the group.
- **Explore:** Generate ideas and suggestions on what to do and how to go about it.
- **Action:** Reach agreement on the best solution and tying down the details.
- **Review:** The interaction, establish follow-up, and ensure implementation of agreed actions.

These are known as the CLEAR communication skills.

When trying to persuade someone, take care that you understand where they are coming from. Check your personal motives, and do not manipulate.

February 2011

# **CITY COMMISSION MINUTES**

City Hall Commission Chambers

Tuesday, January 18, 2011

7:00 p.m.

MEETING #4834

## **CALL TO ORDER**

Mayor Kent Smoll acknowledges the Resignation of Brian Weber as City Commissioner.

## **INSTALLATION OF NEW COMMISSIONER**

Mayor Kent Smoll swore in New Commissioner, Michael Weece

**ROLL CALL:** Mayor Kent Smoll, Commissioners Rick Sowers, Jim Sherer, Monte Broeckelman and Michael Weece were present.

**INVOCATION:** by Father Dennis Zimmerman of the St. Cornelius Episcopal Church

## **PLEDGE OF ALLEGIANCE**

## **PUBLIC HEARING**

1. Consideration of the establishment of an RHID District and Development Plan for La Estancia Partners LLC Project was presented by Bret Johnson of Overland Property Group, LLC.
2. Consideration of the establishment of an RHID District and Development Plan for Waldberg/Asher Project was presented by Dan Waldburg of Kansas Builders, LLC. Mike Martinez inquired as to where the development is located and what are the phases for development. Greg Starks, representing the developer and Niles Wiseman of the 1000 Block of Reagan Road also spoke.

Public Hearing was Closed.

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, January 3, 2011
2. Approval of City Commission Special Meeting minutes, January 7, 2011
3. Appropriation Ordinance No. 2, January 18, 2011
4. Approval of Conveyance of Industrial Park property to Curtis Machine, Inc.
5. Approval of Assignment of the Jennison Government Services contract to Pinegar, Smith and Associates.

Commissioner Jim Sherer moved to approve the Consent Calendar as presented, seconded by Commissioner Monte Broeckelman. The motion carried unanimously.

## **ORDINANCES & RESOLUTIONS**

A Development Agreement with Overland Property Group, LLC and the City of Dodge City regarding a multi-family residential development to be known as La Estancia was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Jim Sherer. Motion carried unanimously.

**Ordinance No. 3507** of the Governing Body of the City of Dodge City, Kansas, Establishing a Rural Housing Incentive District Within the City and Adopting a Plan for the Development of Housing and Public Facilities in Such District, and Making Certain Findings in Conjunction Therewith (La Estancia Partners, LLC Project) was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Monte Broeckelman. Motion carried unanimously. City Manager, Ken Strobel, made comments and thanked Cherise Tiebe, Kaci Davignon and Joann Knight for their hard work. Brett Johnson of Overland Property Group also thanked the City for working together.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Appraisal Report Setting Fair and Equitable Compensation for the Utility Easements and Temporary Construction Easements for the Wastewater Treatment Plant Water Line was approved and authorized agent to make offers to property owners on a motion by Commissioner Monte Broeckelman, seconded by Commissioner Jim Sherer. Motion carried unanimously.
2. Approval of KDOT Agreement to Allow KDOT to Purchase the Federal Funds Allotted for the Comanche Street Project was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Jim Sherer. Motion carried 3-2, Mayor Kent Smoll and Commissioner Monte Broeckelman opposed the motion.
3. Approval of Letter of Intent Authorizing the City to Apply for KDOT Transportation Grant was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Monte Broeckelman. Motion carried unanimously.

## **OTHER BUSINESS**

Ken Strobel, City Manager:

- Attended the Ford County Commission Meeting early this morning, reported on agenda items that involved the City of Dodge City;
- Reminders
  - Dodge City Night in Topeka is March 7<sup>th</sup>
  - Southwest Kansas Chambers is sponsoring Legislative Meeting in Topeka on January 31<sup>st</sup>

- Kansas League of Municipalities is sponsoring City Hall Day on February 2<sup>nd</sup>, Commissioner Jim Sherer plans to attend.

Jane Longmeyer, Director of Public Information:

- On January 26<sup>th</sup>, the Cultural Relations Board will be sponsoring a luncheon in Honor of Kansas Day; and
- Board & Commission applications will be accepted until next week.

Commissioner Jim Sherer:

- Congratulated Michael Weece; and
- Thanked CVB Staff for the success in having Dodge City named 8<sup>th</sup> out of 10 Top True Western Towns for 2011.

Commissioner Rick Sowers:

- Welcomed Michel Weece to the Commission; and
- Thanked Mike Klein and Corey Keller for showing him around.

Commissioner Monte Broeckelman:

- Welcomed Michael Weece to the Commission and Thanked Brian Weber for his service;
- Congratulations to all representatives; and
- Chamber will host a Legislative Coffee this Saturday.

Commissioner Michael Weece:

- Thanked the Commission for their support and thanked the City Staff for their time.

Mayor Kent Smoll:

- Volunteer Reception held this afternoon – the City couldn't do what we do without the dedication of volunteers;
- Congratulations to Cherise, Kaci and Joann for the RHID program;
- Mentioned that railroad crossings still need work (1<sup>st</sup> Avenue, 4<sup>th</sup> Avenue, 2<sup>nd</sup> Avenue and Sycamore);
- Congratulations to Michael Weece, Thanked Brian Weber for his service; and
- February 12 & 13<sup>th</sup> is the Open House of the Events Center.

**ADJOURNMENT:** Commissioner Monte Broeckelman moved to adjourn the meeting; Commissioner Jim Sherer seconded the motion. The motion carried unanimously.

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E. Kent Smoll, Mayor

ATTEST:

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Nannette Pogue, City Clerk

# **CITY COMMISSION WORK SESSION MINUTES**

City Hall Commission Chambers

Tuesday, January 18, 2011

6:00 p.m.

MEETING #4833

**ROLL CALL:** Mayor Kent Smoll, Commissioners Rick Sowers, Jim Sherer, Monte Broeckelman and Michael Weece were present.

## **WORK SESSION:**

1. KDOT Transportation Grants were presented by Kathy Denhart, Mobility Manager.

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E. Kent Smoll, Mayor

ATTEST:

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Nannette Pogue, City Clerk

# **JOINT CITY/COUNTY MEETING MINUTES**

City Hall Commission Chambers

Monday, January 31, 2011

11:30 a.m.

MEETING #4835

## **CALL TO ORDER**

**ROLL CALL:** Mayor Kent Smoll, Commissioners Rick Sowers, Jim Sherer, Monte Broeckelman and Michael Weece were present.

## **NEW BUSINESS**

1. Appointment to CFAB.

**City of Dodge City:** Commissioner Monte Broeckelman moved to appoint Tom Stanley for a 3 year term to the CFAB, Commissioner Michael Weece seconded the motion. The motion carried 5-0.

**Ford County:** Commission Chairman Kim Goodnight moved to appoint Tom Stanley to the CFAB, Commissioner Terry Williams seconded the motion. The motion carried 2-0.

2. Approval of Global Management Termination Agreement.

**City of Dodge City:** Commissioner Jim Sherer moved to approve the Global Management Termination Agreement, Commissioner Rick Sowers seconded the motion. The motion carried 5-0.

**Ford County:** Commission Chairman Kim Goodnight moved to approve the Global Management Termination Agreement, Commissioner Terry Williams seconded the motion. The motion carried 2-0.

## **ADJOURNMENT:**

**City of Dodge City:** Commissioner Michael Weece moved to adjourn the meeting. Commissioner Monte Broeckelman seconded the motion. The motion carried 5-0.

**Ford County:** Commission Chairman Kim Goodnight moved to adjourn the meeting. Commissioner Terry Williams seconded the motion. The motion carried 2-0.

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E. Kent Smoll, Mayor

ATTEST:

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Nannette Pogue, City Clerk

# CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

(This form has been prepared by the Attorney General's Office)

City or  County of Dodge City Ford County

SECTION 1 – LICENSE TYPE	
Check One: <input type="checkbox"/> New License <input checked="" type="checkbox"/> Renew License	
Check One:	
<input type="checkbox"/> License to sell cereal malt beverages for consumption on the premises.	
<input checked="" type="checkbox"/> License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.	

SECTION 2 – APPLICANT INFORMATION			
Kansas Sales Tax Registration Number (required): <u>48-1178259 F-09</u>			
Name of Corporation <u>CLASEN Inc.</u>		Principal Place of Business	
Corporation Street Address <u>1400 S OLIVER BURLEA</u>		Corporation City <u>Wichita</u> State <u>KS</u> Zip Code <u>67218</u>	
Date of Incorporation <u>1-23-1996</u>		Articles of Incorporation are on file with the Secretary of State. <input type="checkbox"/> Yes <input type="checkbox"/> No	
Resident Agent Name <u>GENE CLASEN</u>		Phone No. <u>316-524-3238</u>	
Residence Street Address <u>915 CRESTLINE</u>		City <u>Wichita</u> State <u>KS</u> Zip Code <u>67212</u>	

SECTION 3 – LICENSED PREMISE			
Licensed Premise (Business Location)		Mailing Address	
DBA Name <u>GENE'S HEARTLAND FOODS</u>		Name	
Business Location Address <u>1800 CENTRAL</u>		Address <u>= SAME =</u>	
City <u>DODGE CITY</u> State <u>KS</u> Zip <u>67801</u>		City _____ State _____ Zip _____	
Business Phone No. <u>620-225-2981</u>		<input type="checkbox"/> Applicant owns the proposed business location. <input checked="" type="checkbox"/> Applicant does not own the proposed business location.	
Business Location Owner Name(s) <u>ROBERT &amp; JEANNE WEIGEL</u>			

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK			
List each person and their spouse, if applicable. Attach additional pages if necessary.			
Name <u>GENE CLASEN</u>		Position <u>PRESIDENT</u>	
Residence Street Address <u>915 CRESTLINE</u>		Date of Birth <u>11-30-35</u>	
City <u>Wichita</u> State <u>KS</u> Zip Code <u>67212</u>		Zip Code <u>67212</u>	
Spouse Name <u>MARY CLASEN</u>		Position	
Residence Street Address <u>= SAME =</u>		Date of Birth <u>12-15-38</u>	
City _____ State _____ Zip _____		Zip Code _____	
Name		Position	
Residence Street Address		Date of Birth	
City _____ State _____ Zip _____		Zip Code _____	
Spouse Name		Position	
Residence Street Address		Age	
City _____ State _____ Zip _____		Zip Code _____	
Name		Position	
Residence Street Address		Date of Birth	
City _____ State _____ Zip _____		Zip Code _____	
Spouse Name		Position	
Residence Street Address		Age	
City _____ State _____ Zip _____		Zip Code _____	

SECTION 5 – MANAGER OR AGENT INFORMATION			
My place of business will be conducted by a manager or agent.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide the following:			
Manager/Agent Name	MICHAEL CHARBONNEAU	Phone No.	620-482-0447
Residence Street Address	3011 GARY AVE	City	DODGE CITY
		Date of Birth	9-14-54
		Zip Code	67801
Manager or Agent Spousal Information			
Spouse Name		Phone No.	
Residence Street Address		City	Zip Code

SECTION 6 – QUALIFICATIONS FOR LICENSURE	
<p>Within 2 years immediately preceding the date of this application, none of the individuals identified in Sections 4 &amp; 5 have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes:            (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.</p>	<p>NONE HAVE BEEN CONVICTED</p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>None of the individuals identified in Sections 4 and 5 were managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which:            (1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.</p>	<p>NONE HAVE HAD THIS DONE</p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>All of the individuals identified in Sections 4 &amp; 5 are at least 21 years of age<sup>1</sup>.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE *James E. Carson* DATE 1-14-11

FOR CITY/COUNTY OFFICE USE ONLY:	
<input type="checkbox"/> License Fee Received Amount \$ _____ Date _____	( \$25 - \$50 for Off-Premise license or \$25-200 for On-Premise license )
<input type="checkbox"/> \$25 CMB Stamp Fee Received Date _____	
<input type="checkbox"/> Background Investigation	<input type="checkbox"/> Completed Date _____ <input type="checkbox"/> Qualified <input type="checkbox"/> Disqualified
<input type="checkbox"/> New License Approved	Valid From Date _____ to _____ By: _____
<input type="checkbox"/> License Renewed	Valid From Date _____ to _____ By: _____

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR QUARTERLY REPORT (ABC-301) TO THE ALCOHOLIC BEVERAGE CONTROL, 915 SW HARRISON STREET ROOM 214, TOPEKA, KS. 66625-3512.

<sup>1</sup> Spouse not required to be over 21 years of age. K.S.A. 41-2703(b)(9)



## Memorandum

To: Ken Strobel  
City Manager  
From: Joseph E. Finley, P.E. *JF*  
Director of Engineering  
Date: February 2, 2011  
Subject: Approval of emergency repair at the south treatment plant  
Agenda Item: Consent Calendar

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**Recommendation:** Approve emergency work with UCI at the control building at the south treatment plant.

**Background:** Last week a pipe burst underneath the floor of the control building causing damage to not only the slab, but also the pipe above and below the floor. Until the floor can be removed, we are unable to tell the extent of the damage. UCI was the contractor that built the addition to the south treatment plant and built the control building. Staff asked UCI to assess the damage and to provide the City with an estimate to repair the damage.

**Justification:** UCI has the expertise and equipment to fix the damage get all of the lines operational.

**Financial Considerations:** UCI believes the work can be completed for \$25,000. This price could change depending on what we find once a portion of the floor is removed.

**Purpose/Mission:** By using UCI, we can restore operations to the control building without over extending our personnel and insure that we can provide services to our citizens.

**Legal Considerations:** None

**Attachments:** Proposal from UCI

**Joe Finley**

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**From:** Todd Wedel [twedel@ucict.com]  
**Sent:** Friday, January 28, 2011 1:15 PM  
**To:** Joe Finley  
**Cc:** Ed Bender; David Odell  
**Subject:** Dodge City South WWTP Emergency Work @ Control Building

Joe-

UCI is happy to assist the city of Dodge City with any needs you may have at the South WWTP after your event of this week. We understand you are in need of emergency work to repair the piping in the Control Building in order to get the system up and running.

With the limited information in hand and not knowing the extent of the damage below the floor slab, UCI would suggest the city accept a time and material proposal with the following estimated costs to correct the pipeline.

UCI believes an appropriate estimated price to correct the pipeline and get operations moving again through the line is \$25,000. We anticipate the work to include some or all of the following:

- Remove concrete floor around riser pipe
- Excavate around riser pipe and determine cause of the failure
- Replace pipe materials as appropriate. This could include gaskets, megalugs or even a fitting. UCI has allocated \$4,000 in the above pricing to cover pipe material needs.
- Backfill after completing work on the pipeline
- Place a new floor slab in areas where floor slab was removed to facilitate excavation.

Of course UCI will make every effort to complete the work as quickly and economically for the City of Dodge City. We anticipate this work could take 1-2 weeks to complete depending upon the condition of the piping.

Should you have any questions about the proposal, please contact me.

Thank you again for the opportunity to assist,

**Todd M. Wedel**

**Project Executive**

**UCI**

**659 N. Market**

**Wichita, KS 67201**

**P:316-265-9506**

**F:316-265-8314**

## Memorandum

To: City Manager  
Assistant City Manager  
City Commissioners

From: Paul Lewis 

Date: January 31, 2011

Subject: Revised Landscape Regulations

Agenda Item: Ordinances and Resolutions

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**Recommendation:** Staff recommends approval of Ordinance 3508 amending the Zoning Ordinance repealing and replacing Article 4, Sections 1 through 7 regulating Landscape and Buffer Requirements.

**Background:** Over the last several months, staff with the assistance of the Dodge City Shade Tree Commission has reviewed and revised the Landscape and Buffer Requirements contained in the Zoning Ordinance. During this process regulations from other communities have been assessed and incorporated into this proposal to provide new regulations that will enhance the aesthetics and function of both commercial and residential developments.

The proposed revisions were presented at a public hearing conducted at a meeting of the Dodge City Zoning Board. There was no one present speaking against the regulations and after discussion, a motion was made and approved by the Zoning Board to recommend to the City Commission adoption of the new regulations.

Staff also met with members of the Chamber Executive Board and later at an Executive Board meeting to present the proposed regulations. During those meetings, no significant objections were raised but based on the input received, a minor modification was made to the proposal to clarify the trigger language requiring existing developments compliance with the new regs.

**Justification:** The proposed regulations serve to provide an enhanced appearance to commercial developments and set greater expectations for long term maintenance after a project is completed. In residential developments these regulations set a standard for providing street trees in all new developments.

The regulations also provide for interior landscaping in parking areas. In addition to improved appearance, that requirement enhances public safety and provides an ecological benefit by defining traffic patterns and eliminating the heat island effect associated with large parking areas.

With this proposal a higher standard is being established for the appearance of commercial properties providing a more attractive environment for our citizens and the shoppers and tourists coming into the community. That being said, the conditions detailed in these regulations are consistent with generally established standards provided across the country and most any national developer will be familiar with these provisions.

**Financial Considerations:** These regulations will not have a budgetary impact on the City. Their implementation will be managed by existing staff through the cooperation and coordination of the Development Services department and Parks and Recreation.

As for commercial developments, certainly this proposal will create additional costs for the developer. Based on estimates of recent projects, that cost should be between 1% and 3% of the total project cost and at those levels should not be detrimental to future developments.

**Purpose/Mission:** These regulations are consistent with the City's mission of improving quality of life and fostering a better future. Property values are enhanced with improved landscape, the public is kept safer with better designed parking lots, and we're all enriched by the environment created with more trees and green space.

**Legal Considerations:** None.

**Attachments:** Ordinance No. 3508  
Proposed Article 4 Landscaping & Buffering Requirements  
Comparison Chart Existing vs. Proposed Regulations

CC: Dennis Veatch, Development Services Administrator  
Kurth Lancaster, Asst. Park Superintendent  
Dodge City Shade Tree Commission

**ORDINANCE NO 3508**

**AN ORDINANCE OF THE CITY OF DODGE CITY KANSAS ADOPTING BY REFERENCE AN AMENDMENT TO THE ZONING ORDINANCE BY REPEALING AND REPLACING ARTICLE IV REGULATING LANDSCAPING AND BUFFER REQUIREMENTS.**

**WHEREAS** commercial landscaping provides an inviting appearance to customers, contributes to the local environment, and improves the general perception of the business; and

**WHEREAS** attractive landscaping enhances the property values of homes and commercial businesses; and

**WHEREAS** the Dodge City Shade Tree Commission has reviewed existing landscaping and buffer requirements and has recommended revised provisions to the City Commission; and

**WHEREAS** the Dodge City Zoning Board after holding a duly advertised public hearing unanimously recommended to the Dodge City governing body that the Zoning Ordinance Article IV-Landscaping and Buffer Requirements be amended.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF DODGE CITY KANSAS:**

**SECTION 1: ADOPTION AND INCORPORATION OF ARTICLE IV, LANDSCAPING AND BUFFER REQUIREMENTS OF THE ZONING ORDINANCE OF THE CITY OF DODGE CITY.**

There is hereby adopted and incorporated by reference for the purposes of governing the development of land within the City of Dodge City, and providing for the administration, enforcement an amendment to the Zoning Ordinance dated March, 2000. Article IV, Regulating Landscaping and Buffer Requirements of the Zoning Ordinance is repealed and replaced by Article IV Regulating Landscaping and Buffer Requirements. No fewer than three copies of said Zoning Ordinance with updated Article IV shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable hours of city business.

**SECTION 2. EFFECTIVE DATE**

This ordinance shall take effect from and following its Publication in the official newspaper.

PASSED BY THE CITY OF DODGE CITY GOVERNING BODY IN REGULAR SESSION  
AND APPROVED BY THE MAYOR THIS 7<sup>th</sup> DAY OF FEBRUARY 2010

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E. Kent Smoll, Mayor

ATTEST:

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Nannette Pogue, City Clerk

## Article IV

### LANDSCAPING AND BUFFERING REQUIREMENTS

#### IV.1 PURPOSE

Landscaping and buffer requirements are established to improve the appearance of vehicular use areas and property abutting public rights of way; to require buffering between incompatible land uses; to protect, preserve, and promote the visual appeal, character, and value of surrounding neighborhoods; to promote public health and safety through the reduction of pollution; preserve and protect existing trees; and to reduce water use in landscapes through the use of native and suitable plant material for this region.

#### IV.2 GENERAL REQUIREMENTS

A. No new site development, building, structure, or vehicular use area shall hereafter be erected, constructed, or used unless landscaping is provided as required by the provisions of this Article. Any change in zoning, substantial redevelopment, and/or additions to existing development shall require the landscape to meet the requirements of this article.

B. No building or other development permit shall be issued until the required landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed as certified by the zoning administrator, unless a performance bond or other acceptable guarantee of improvements has been posted.

C. Where site approval by the zoning administrator or Board of Zoning Appeals is required, no building permit or certificate of occupancy shall be issued until such approval has been granted. In the event that the requirements of this Article conflict with those of other provisions of this Ordinance, the more restrictive shall apply.

D. The City Administration may vary specific planting standards of this Article when it is determined that the purpose statement and other provisions have been otherwise exceeded. In such instances, advice of the Dodge City Shade Tree Commission can be obtained.

E. The Board of Zoning Appeals may, through the Special Exception procedure outlined in Section X.7 of this Ordinance, reduce certain standards of this Article; however, the Board shall not have the power to waive any specific provision. The Dodge City Shade Tree Commission shall review such a variance petition prior to a public hearing.

F. The Dodge City Shade Tree Commission from time to time shall adopt a list of approved plant material which shall be maintained in the office of the Director of Parks and Recreation.

### IV.3 STREET TREES

Street trees shall be provided at a rate of at least one tree per 40 feet of public or private street frontage, or portion thereof. Street trees may be clustered when circumstances prevent 40-foot spacing, such as corner lots where trees would conflict with the sight triangles, utility easements, overhead utility lines, existing trees, or topographic features. Street trees may also be clustered in groups of 3, 5, or 7 where such clustering is combined with berming, trees, and shrubs in a planned manner. If possible, it is encouraged that street trees be planted between the back of curb and the sidewalk. In cases where street trees may be planted between the back of curb and sidewalk, the planting strip shall be a minimum of 6 feet in width. Street trees shall be selected from the Approved Plant List.

#### A. Residential:

1. Street trees shall be located a maximum of 25 feet from the back of curb. Street trees are encouraged to be located within the right of way.

#### B. Non-Residential

1. Street trees shall be located a maximum of 30 feet from the back of curb.

#### C. Setbacks

1. The distance trees may be planted from curbs and curblines and sidewalks will be in accordance with the Approved Plant List size classes and no trees may be planted closer to any curb or sidewalk than four feet. Exceptions can be granted by the zoning administrator after a review and recommendation by the Shade Tree Commission.
2. No street trees other than those species listed as small trees in the Approved Plant List section of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign.
3. No street trees shall be planted within the sight triangle of an intersection as defined in this article.

### IV.4 INTERIOR PARKING LOT LANDSCAPING

The parking lot landscaping standards of this section require interior landscaping within parking lots to break up large expanses of pavement; to provide relief from the heat island effect associated with paved areas; and to safely direct traffic flows within the lot.

The interior parking lot landscaping standards of this section apply to all off-street parking lots containing 11 or more off-street parking spaces.

#### A. Landscape Area

1. Parking lots shall contain at least 40 square feet of landscaping area per parking space.
2. Required minimum parking lot perimeter landscaping and required bufferyards may not be used to satisfy minimum interior parking lot landscaping requirements.
3. Landscape areas within the parking area shall be constructed with concrete curbing to minimize damage to plant material, except that concrete curbing may be reduced or eliminated to account for landscape areas that are used as bio-swales or other alternative systems of storm water management where curbing would impede the flow of water.
4. Landscape areas to be credited toward meeting these standards shall have minimum dimensions of 8.5 feet in all directions and the landscape areas shall be contained within the parking lot. The parking lot shall be established by the perimeter parking lot curb, excluding landscape area peninsulas that meet the minimum dimensions.
5. Landscape medians in parking lots shall be planted with a mixture of two or more plant materials: ground cover, trees, or shrubs. The landscape median may contain a pedestrian walk that separates the total area into planting strips of three or more feet on either side of the walk.
6. Interior rows of parking spaces located in the parking area shall terminate with landscape areas.

#### B. Trees and Shrubs

At least one shade tree and three shrubs shall be provided per ten parking spaces with off-street parking areas. One shade tree or ornamental tree may be substituted for three shrubs, but shrubs may not be substituted for shade trees.

#### C. Other Landscaping

In addition to required shade trees and shrubs, landscape areas with the interior of off-street parking areas shall be planted with turf, ground cover, ornamental trees, or shrubs.

#### D. Location and Arrangement of Landscaping

Landscaping and planting areas shall be reasonably dispersed throughout parking lots to break up long rows of parking spaces. Landscape area and plantings shall be located and arranged to provide shade to parked vehicles, to safely direct traffic flows with the lot, to allow the principal building to be seen from the street and for the street to be seen from the principal building and/or to provide landscaping and shade along protected pedestrian walkways within the interior of the parking lots. Landscaping location and arrangement of plant materials shall be designed with consideration given to the adjacent zonings, plantings and land uses.

### IV.5 PARKING LOT PERIMETER LANDSCAPING

The parking lot perimeter landscaping standards of this section are intended to screen views of parking lots from streets and roads.

The parking lot perimeter landscaping standards of this section apply to all off-street parking lots. The parking lot perimeter landscaping standards of this section shall apply to all new development and to redevelopment.

**A. Landscape/Screening Material**

Parking lots shall be landscaped and screened from view of street rights-of-way with a minimum of one tree and 3 shrubs per 25 linear feet of parking lot frontage (required street trees may be counted toward satisfying this requirement).

**B. Landscape Area/Parking Lot Setback**

Required landscape/screening material shall be located between the street right-of-way and the parking lot. This landscape area/parking lot setback shall have a minimum width of 20 feet.

**IV.6 BUFFERYARDS**

These standards of this section are intended to mitigate the impacts associated with incompatible land uses on adjacent properties. The standards require landscape bufferyards between such uses to minimize the harmful impacts of noise, dust/debris, glare, and other objectionable activities.

The bufferyard standards of this section apply to all development or redevelopment requiring site plan review.

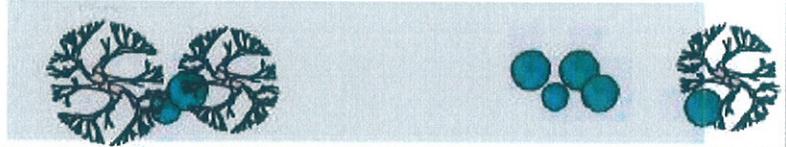
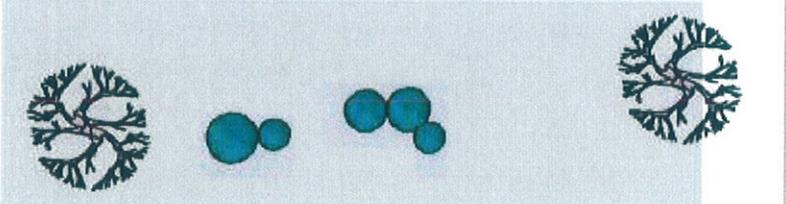
Bufferyards are required in accordance with the following table. To determine the type of bufferyard required, first identify the zoning of the site that is being developed (the first column of the table) and each adjacent site (along the top of the table). Find where the zoning of the developing site and each adjacent site intersect on the table. If a bufferyard is required, a numeral at the intersection will indicate the type of bufferyard required. Width and landscape planting options for bufferyards are explained in sections A through C. Where the required bufferyard is wider than the side setback required at that location, the side setback shall be expanded to accommodate the bufferyard.

Development Site's Zoning	Adjacent Site's Zoning					
	R-S, R-1, R-2	R-3	C-O	C-1	C-2	I-1, I-2
R-S, R-1, R-2	-	1	1	2	2	3
R-3	1	-	1	-	2	3
C-O	1	1	-	-	1	2
C-1	2	-	-	-	-	-
C-2	2	2	1	-	-	1
I-1, I-2	3	3	2	-	1	-

A. Type 1 Bufferyards

1. Options

The amount of plant material required within bufferyards is dependent on the width of the bufferyard that is provided. The applicant will have the option of providing any of the following bufferyards to meet the Type 1 bufferyard requirements.

Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
10 feet		4	10
15 feet		3	8
20 feet		3	7
25 feet		2	5

2. Trees and Shrubs

At least 30% of required trees and shrubs shall be evergreen.

3. Fences, Walls, and Berms

A fence, wall, or berm 3 feet to 6 feet in height may be substituted for shrub plantings. Walls or fences shall be set back the width of the proposed buffer from the shared lot line. Required trees and plant material shall be installed on the side of the wall, fence, or berm contiguous with the adjacent property or street right-of-way.

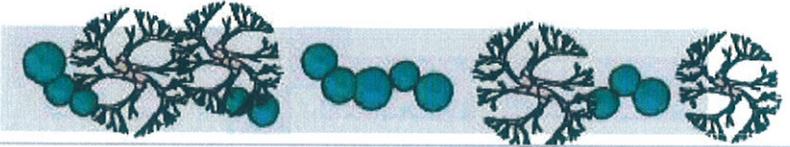
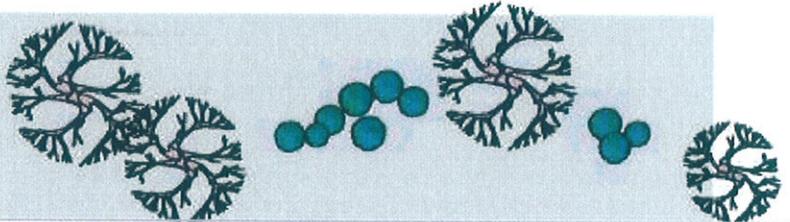
4. Optional Xeriscape Plant Material

If xeriscape plant material is used to meet the bufferyard requirements, the buffer width may be reduced by 5 feet. See Approved Plant List for xeriscape plant material.

**B. Type 2 Bufferyards**

**1. Options**

The amount of plant material required within bufferyards is dependent on the width of the bufferyard that is provided. The applicant will have the option of providing any of the following bufferyards to meet the Type 2 bufferyard requirements.

Minimum Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
15 feet	Fence, wall or Berm required 	4	15
20 feet		4	13
25 feet		4	10

**2. Trees and Shrubs**

At least 30% of required trees and shrubs shall be evergreen.

**3. Fences, Walls, and Berms**

If the proposed bufferyard is less than 20 feet in width, it shall include a wall at least 3 feet in height. A fence, wall, or berm 3 feet to 6 feet in height may be substituted for shrub plantings. Walls or fences shall be set back the width of the proposed buffer from the shared lot line. Required trees and plant material shall be installed on the side of the wall, fence, or berm contiguous with the adjacent property or street right-of-way.

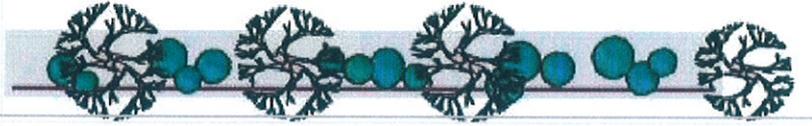
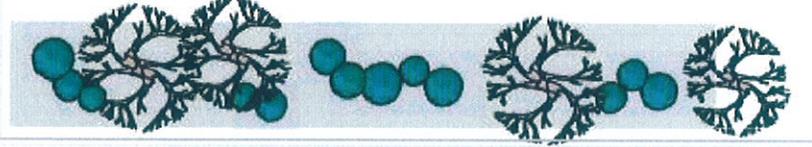
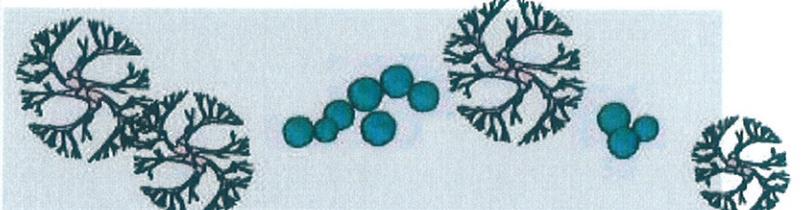
**4. Optional Xeriscape Plant Material**

If xeriscape plant material is used to meet the bufferyard requirements, the buffer width may be reduced by 5 feet. See Approved Plant List for xeriscape plant material.

### C. Type 3 Bufferyards

#### 1. Options

The amount of plant material required within bufferyards is dependent on the width of the bufferyard that is provided. The applicant will have the option of providing any of the following bufferyards to meet the Type 3 bufferyard requirements.

Minimum Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
15 feet	Fence, wall or Berm required 	4	15
20 feet		4	30
25 feet		4	20

#### 2. Trees and Shrubs

At least 30% of required trees and shrubs shall be evergreen.

#### 3. Fences, Walls, and Berms

If the proposed bufferyard 3 is less than 20 feet in width, it shall include a wall at least 3 feet in height. A fence, wall, or berm 3 feet to 6 feet in height may be substituted for shrub plantings. Walls or fences shall be set back the width of the proposed buffer from the shared lot line. Required trees and plant material shall be installed on the side of the wall, fence, or berm contiguous with the adjacent property or street right-of-way.

#### 4. Optional Xeriscape Plant Material

If xeriscape plant material is used to meet the bufferyard requirements, the buffer width may be reduced by 5 feet. See Approved Plant List for xeriscape plant material.

#### G. Responsibility for Bufferyard Installation

The developing property is responsible for providing required bufferyards.

##### 1. Location

The bufferyard, including any required berm, shall be located entirely on the property on which the development which requires the bufferyard is occurring.

##### 2. Existing Bufferyards

In those cases where a bufferyard that complies with the standards of this section is already in place on the site of the developing property, the developer is not required to install another bufferyard. The developer is only responsible for ensuring that the existing buffer complies with the standards of this section.

##### 3. Residential Bufferyards

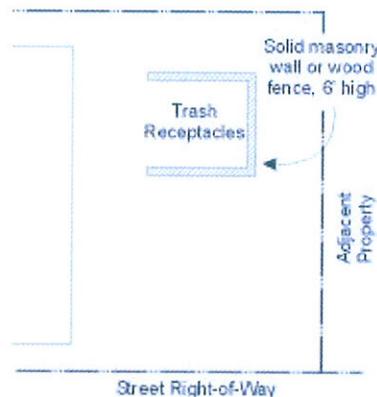
Bufferyards required for residential subdivisions shall be placed in landscape easements.

### IV.7 ADDITIONAL SCREENING REQUIREMENTS

All multi-dwelling residential and non-residential developments shall provide additional screening as follows:

#### A. Dumpsters and Trash Receptacles

Dumpsters and trash receptacles shall be screened from view of adjacent properties and street right-of-ways on at least 3 sides with a 6 foot solid fence constructed of cedar, redwood, masonry, or other compatible building materials.



#### B. Mechanical Equipment

Exterior ground mounted or building mounted equipment including, but not limited to, mechanical equipment, utility boxes, and meters shall be fully screened from view of adjacent properties and from street right-of-ways (as measured 6 feet above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the principal building.

#### IV.8 EXISTING TREES AND VEGETATION

All existing healthy trees of desirable species 4 inch caliper or more must be shown on the landscape plan and must be preserved or transplanted on the site unless otherwise approved by the City. Grading shall not be permitted within the drip line of trees to be preserved or until after relocation is complete. Tree wells or retaining walls may be used beyond the limits of the drip line of the trees in order to protect the trees if grading does not otherwise accommodate preserving the existing grade. The number of trees to be preserved can be credited toward the total number of trees required for the development. The size of trees that are preserved cannot be applied toward additional required landscaping. Any replacement trees are required to be in excess of the otherwise minimum total number of trees.

Any tree removed shall be replaced on a 2:1 caliper inch ratio. For example, five 2 ½ inch caliper trees and one 3 ½ inch caliper tree (16 caliper inches in total) would replace one 8 inch caliper tree (8 caliper inches). Special circumstances may be considered in the total number of trees required for replacement, and off-site planting may be considered in some instances.

If trees identified for preservation and credit are destroyed or damaged, they shall be replaced by other trees on a 2:1 basis. Replacement trees shall be a minimum of 4 inch caliper deciduous trees, 3 inch caliper ornamental trees, or 8 feet in height for evergreen trees.

#### IV.9 LANDSCAPE MATERIAL STANDARDS

The following standards are the minimum required planting standards for all trees and landscape material.

##### A. Plant Quality

Plants installed to satisfy the requirements of this Article shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and adapted to the local area.

##### B. Artificial Plants

No artificial plants and vegetation may be used to meet any standards of this section.

### C. Trees

#### 1. Species Selection

Where required or permitted, all trees shall be selected from the City of Dodge City Approved Plant List.

#### 2. Species Mix

When more than ten (10) trees are required to be planted to meet the standards of this Article, a mix of species shall be provided. In order to promote diversity in the urban forest, the number of species to be planted varies according to the overall number of trees required to be planted in accordance with the following requirements:

Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40	4
41+	6

### D. Basic Minimum Plant Sizes

Plant material shall be installed in the following minimum sizes:

1. Shade Trees – 2 inch caliper
2. Ornamental Trees – 1 ½ inch for single stem or 6 feet in height for multi-stem/clump
3. Evergreen Trees – 4 to 6 feet in height
4. All Shrubs – 18 to 24 inch height or 18 to 24 inch spread (for spreading varieties)
5. Ornamental Grasses, and Perennials – 1 gallon container
6. Groundcover and annuals – as approved
7. Tree caliper shall be measured six inches above ground level

### E. Ground Treatment

The ground area within required landscape areas shall receive appropriate landscape treatment and present a finished appearance and reasonably complete coverage upon planting. The following standards apply to the design of ground treatment:

#### 1. Groundcover

Groundcover appropriate for the area may be planted in lieu of turf grass. Groundcover shall be of a size and spacing to provide a minimum of 50% coverage after the first full growing season and 75% coverage after 3 growing seasons.

#### 2. Mulch

Mulch shall be installed and maintained at a minimum of 3 inches in all areas not planted with turf grass. Mulch may be used as a permanent ground treatment in

areas where groundcover or turf grass is inappropriate, not exceeding 25% of the site's total landscape area provided.

### 3. Grass Seed and Sod

Turf areas shall be planted with species suitable as permanent lawns in Dodge City. Turf areas may be sodded or seeded. Low water usage turf grass is encouraged in all areas that do not receive regular pedestrian or canine foot traffic (i.e., buffalo grass, fescue, and etc.).

All native seed areas shall be established at a minimum of 4 to 5 plants per square foot and maintained at this level, or shall be re-seeded until established at that rate.

All installations, other than sod, will require an additional warranty period of no less than 2 years.

Erosion control methods shall be installed in drainage swales and areas with a gradient of 5% or greater. The method of erosion control shall be approved by the City Engineer prior to obtaining a Building Permit.

## F. Fences and Walls

Fences and walls used to meet the standards of this Article shall be of uniform appearance and design throughout the subject development.

## IV. 10 INSTALLATION, MAINTENANCE AND REPLACEMENT

### A. Installation

All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth.

1. At a minimum all trees shall have root balls sized to meet American Association of Nurserymen's guidelines. All trees shall be mulched and staked.
2. Landscape plant material suitable for planting shall be balled and burlapped or container grown. In both cases, a planting area that is at least twice the diameter of the root system or the container shall be prepared.
3. All required landscape materials shall be installed using planting soil of a type appropriate to the individual plant material and the soil conditions in which the planting is occurring.
4. A minimum of 3 inches of organic mulch shall be placed over all newly installed tree and shrub planting areas.
5. All landscape installations require a one year warranty.

All landscape material, including trees, plant material and structural elements, shall be in place and healthy prior to issuance of a final certificate of occupancy. The zoning administrator may authorize issuance of a temporary certificate of occupancy prior to installation of required landscaping, when seasonal conditions render installation impractical based on the following criteria:

1. To be eligible for a temporary Certificate of Occupancy the applicant shall provide the planning director with a bona fide executed contract with a landscape contractor or nursery.
2. Funds to cover the cost of the contract shall be placed in escrow or provided as a letter of credit that runs to the City.

#### B. Maintenance

The owner or tenant who assumes responsibility for the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All landscaped areas shall be provided with a readily available water supply. All unhealthy or dead plant material shall be replaced within one year, or by the next planting season, whichever comes first. All replacement plants shall conform to the city's current landscaping standards.

**Property owner is required to maintain the landscape per the approved landscape plans for the life of the project.**

#### IV. 11 SIGHT DISTANCE REQUIREMENTS – DRIVEWAYS & STREET INTERSECTIONS

To ensure that landscape materials do not constitute a driving and pedestrian hazard, a “sight triangle” will be observed at all street intersections or intersections of driveways with streets. Within the sight triangle, no landscape material, wall, or other obstruction shall be permitted between the height of 2 1/2 feet and 8 feet above the street or driveway elevation. The sight triangle shall consist of the following or other dimensions having a similar effect when intersections are not 90 degrees. The site triangle shall be deemed to include its adjacent right-of-way by extension.

A. Intersecting streets shall have site triangles as follows, measured along the street centerlines:

Local streets intersecting, with no stop signs/signals: from the intersecting centerlines, 90 feet in both directions, the third side connecting the ends of the other two.

Local streets intersecting, with stop signs/signals: from the intersecting centerlines, 75 feet back along the stop street and 90 feet along a non-stop street, the third side connecting the ends of the other two.

Local streets intersecting arterial or collector streets: from the intersecting centerlines, 90 feet back along the local street and 120 feet back along the arterial collector street, the third side connecting the ends of the other two.

Arterial and/or collector streets intersecting: from the street intersecting centerlines, 120 feet back along the streets, the third side connecting the ends of the other two.

B. A street intersecting a railroad track shall have a sight triangle with two sides being 25 feet along the abutting rights-of-way lines, from their point of intersection, and the third side being a line connecting the other two lines.

A street intersecting a driveway shall have a sight triangle with one side being 15 feet along the right-of-way edge, one side being 10 feet along the abutting driveway pavement, and the third side being a line connecting the other two lines. Driveways to single and two-family homes are exempt from this provision.

The C-1 Commercial Downtown district shall be exempt from these site distance requirements because of the large scale dense development, low traffic speeds, and adequate traffic controls.

#### IV. 12 PLAN REVIEW & APPROVAL

Whenever any property is affected by these landscape and buffer requirements, the property owner or developer shall prepare a plan for submittal to, and approval by, the zoning administrator. The zoning administrator shall follow the requirements of this Section in approving any plan required herein. The contents of the plan shall include the following:

- A. The dimensions and acreage of the lot or plot or portion thereof to be built upon or otherwise used.

The layout of the entire project, including the proposed uses of all structures, and its relation to adjoining properties.

The layout of all off-street parking and loading areas, including the location of entry and exit points, the internal vehicular circulation pattern, and the location and dimensions of required parking and loading spaces.

The location and dimensions of present and proposed streets and highways (and private drives as applicable).

The location of all existing and proposed plantings and screenings, including name, installation size, and quantities.

The location of walls, berms, fences, and railings, and an indication of their height and construction materials.

All landscape plans shall be submitted at either 10 scale, 20 scale, 30 scale, or 40 scale.

Title, north arrow, scale, name of owner / developer, person responsible for the plan preparation, and the date of plan preparation.

#### IV. 13 XERISCAPE DESIGN

Projects that incorporate approved xeriscaping techniques may deduct one additional foot from the width of those landscaped buffers otherwise required. To qualify for buffer reductions, the landscape designs shall comply with the following criteria:

(A) *Seven Principles*. Xeriscape landscapes shall comply with the following seven principles of xeriscape design:

1. Planning and design
2. Turf alternatives
3. Mulches
4. Zoning of plants
5. Soil improvements
6. Efficient irrigation
7. Appropriate maintenance

(B) *Low Water Turf Varieties*. Large areas approved for turf shall require the use of low water-using turf varieties. Seeding and reseeding shall comply with requirements found in this Article.

(C) *Mulches*. All plant beds, raised planters, and plant containers shall be mulched with wood or rock mulches at a minimum depth of three inches for shrubs and two inches for annuals and perennials. All deciduous and evergreen trees or large shrub species not located in a plant bed shall be mulched. The mulch shall be applied to a circular area equal to the diameter of the excavated tree pit with the trunk of the tree as the center of the circle. The depth of the mulch within the circle shall be three inches minimum.

(D) *Maintenance*. All xeriscape landscaping shall be maintained as stated in this Article

(E) *Plan Notes*. A note or notes shall be added to the landscape plan describing the type of irrigation for each area.

## Landscape Ordinance Revision Comparison

	<b>Current</b>	<b>Proposed</b>
<b>GENERAL REQUIREMENTS</b>	n/a	Shade Tree Commission will maintain approved plant material list.
<b>STREET TREES</b>	1 tree/50 ft of frontage. Non-residential only	1 tree/40 ft, public and private streets. Added flexibility to meet requirements outside of right-of-way if necessary.
<b>INTERNAL PARKING LOT LANDSCAPING</b>	Applies to parking areas with more than 11 spaces.	No change
<b>PERIMETER PARKING LOT LANDSCAPING</b>	5% of the interior of any parking area shall be landscaped. Not clear if it includes drives, loading areas, etc. Requires hedge or wall to screen parking area from street.	40 s.f./parking space of landscaping (approximately 20%) required. Landscape areas must be curbed. Minimum of 1 shade tree and 3 shrubs/10 parking spaces. Clear definition of requirements.
<b>BUFFER YARDS</b>	Residential next to any other use requires 20' buffer yard. Non-residential buffers vary depending on lot side and adjacent use.	Quantities number of shrubs required. Flexibility for developer based on site constraints. Provides buffers 10' to 30' in width depending on density of landscaping provided.
<b>ADDITIONAL SCREENING REQUIREMENTS</b>	1 tree / 50 linear feet and shrubs spaced 5' Not found in landscape ordinance	Defines quantities of trees and plant material based on buffer width. Screening required around dumpsters/trash receptacles and mechanical equipment
<b>LANDSCAPE MATERIAL STANDARDS</b>	N/A Tree sizes minimum 6' high, shrubs 2'	Preserves existing trees and provides a ratio for replacement of new trees when existing trees are removed. Uses established nursery standards for size and quality of plant materials. Establishes quality standards for mulch and planting beds, and seed/sod areas.
<b>LANDSCAPE MAINTENANCE AND REPLACEMENT</b>	Defines one year replacement period for dead/diseased landscape materials.	More defined installation requirements. Clarifies landscaping maintenance for life of the project.
<b>XERISCAPE DESIGN</b>	N/A	Created Xeriscape standards. Allows for reduced buffer yards if using appropriate plant materials.

# Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Dennis Veatch*

*Date: February 2, 2011*

*Subject: Milstock/Mustang Addition  
Rezoning*

*Agenda Item: Ordinance No. 3509*

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**Recommendation:** The Dodge City Zoning Board recommends approval of this Zoning amendment.

**Background:** Jim Bailes is requesting this rezoning amendment for the purpose of constructing duplexes in the proposed Mustang Addition. The preliminary plat of Mustang Addition has been approved by the Zoning Board.

**Justification:** The Comprehensive Plan indicates that this site is in an area that encourages the construction of a wide range of new housing types including two family housing units.

**Financial Considerations:** None

**Purpose/Mission:** To promote and develop new growth.

**Legal Considerations:** None

**Attachments:** Ordinance No. 3509, Development Service Report and map showing proposed rezoning.

**ORDINANCE NO. 3509**

**AN ORDINANCE REZONING A TRACT OF LAND IN THE MILSTOCK  
ADDITION FROM R-2, RESIDENTIAL MEDIUM DENSITY TO R-3,  
RESIDENTIAL HIGH DENSITY.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE  
CITY, KANSAS:**

**SECTION 1:** The following described real property located in Dodge City, Ford County, Kansas is hereby rezoned from R-2, Residential Medium Density to R-3, Residential High density:

Lots 1 thru 32, Block 1, Milstock Addition, Dodge City, Ford County, Kansas.

**SECTION 2:** This ordinance shall take effect, from and following its publication in the official paper, as required by law.

**PASSED BY THE CITY OF DODGE CITY GOVERNING BODY, IN REGULAR  
SESSION AND APPROVED BY THE MAYOR, THIS SEVENTH DAY OF  
FEBRUARY, 2011.**

\_\_\_\_\_  
E. KENT SMOLL, MAYOR

ATTEST:

\_\_\_\_\_  
NANNETTE POGUE, CITY CLERK

**CITY OF DODGE CITY  
DEVELOPMENT SERVICES REPORT  
CASE NO. 10-21**

**APPLICANT:** Jim Bailes

**REQUEST:** Rezone Lots 1 thru 32, Block 1, Milstock Addition from R-2, Residential Medium Density to R-3, Residential High Density.

**SURROUNDING LAND USES (ZONING):**

North- R-S, Residential Suburban  
South- R-2, Residential Medium Density  
East- R-2, Medium Density  
West- R-3, Residential High Density

**BACKGROUND**

Jim Bailes, Pres. Of USA Auto Inc. is requesting this rezoning to construct duplexes on the proposed Mustang Addition. The preliminary plat of Mustang Addition was approved by this board on June 15, 2010.

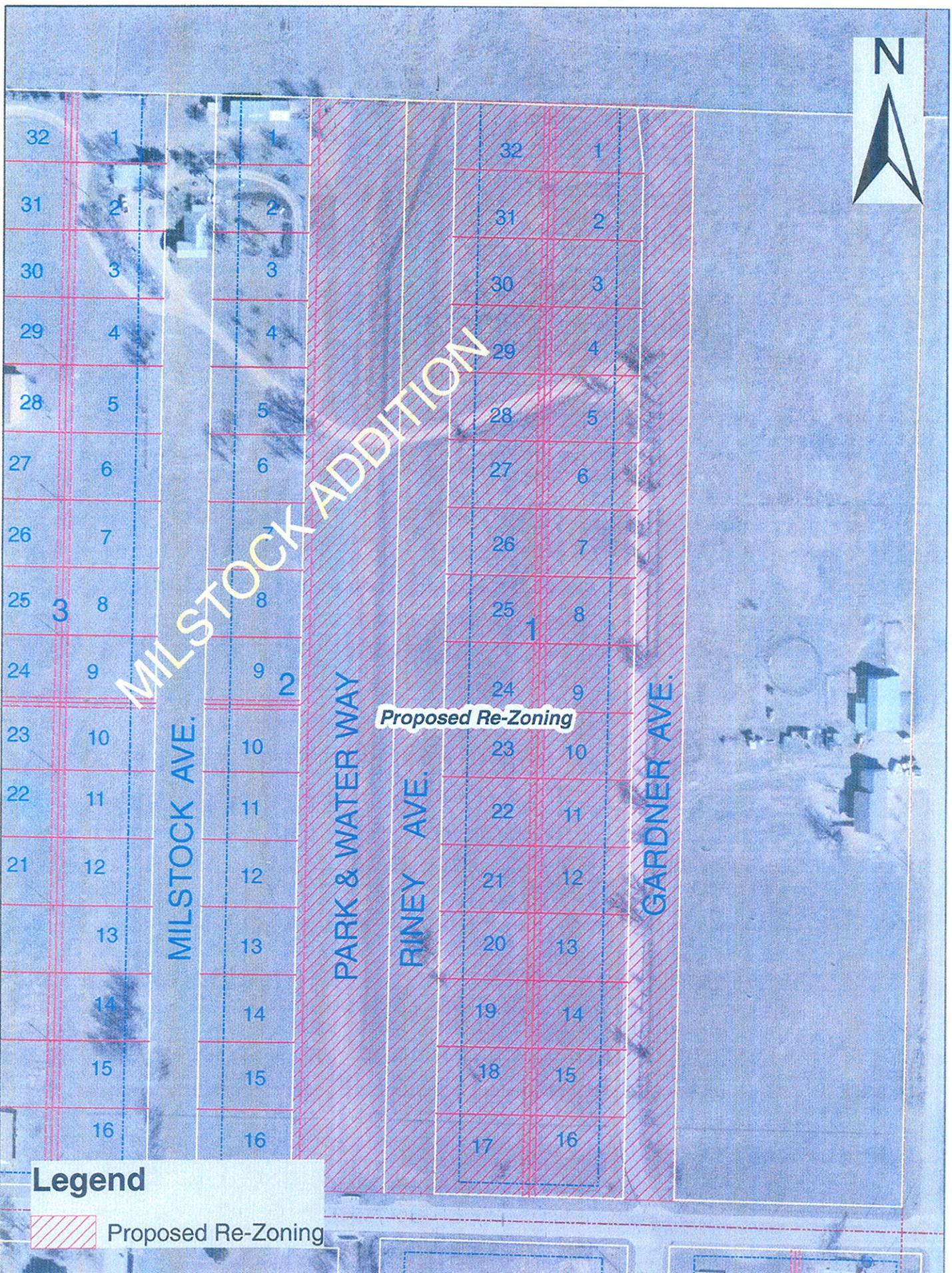
**ANALYSIS**

The Comprehensive Plan identifies this area as a Residential Conservation Neighborhood, RCN.

- Strong code enforcement programs are necessary to assure proper property maintenance and neighborhood conservation.
- This plan encourages the construction of a wide range of new housing types in conservation neighborhoods. New residential uses should be compatible with existing residential structures, but new structures are not restricted to single family detached units. Attached or multiple family structures may be compatible in certain locations so long as other policies, principles and standards are followed.
- Vacant land should be used for residential uses.
- Maintenance of and improvements to the public infrastructure should be made to help conserve the residential quality of life as funding mechanisms become available.

**RECOMMEDATION**

Development Services staff recommends that the Zoning Board **approve** this application.



**Legend**

 Proposed Re-Zoning

## Memorandum

*To:* City Manager  
Assistant City Manager  
City Commissioners  
*From:* Dennis Veatch  
*Date:* February 2, 2011  
*Subject:* Dillon's Rezoning  
*Agenda Item:* Ordinance No. 3510

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**Recommendation:** The Dodge City Zoning Board recommends approval of this Zoning Amendment.

**Background:** Dillon Real Estate Co. Inc. is requesting this rezoning amendment for the purpose of building a 5-Island fuel center and bring the existing Dillon Store and property into compliance with current zoning regulations.

**Justification:** The existing Dillon store was developed under a planned development district leaving the underlying property zoned R-1, Residential Low Density. Our current zoning regulations no longer allow property to be developed as a planned development district with conflicting zoning uses. The Dillon Store needs to be zoned C-2, Commercial Highway to be in conformance to our current regulations.

**Financial Considerations:** None

**Purpose/Mission:** To promote new growth and to bring this property into compliance with our zoning regulations.

**Legal Considerations:** None

**Attachments:** Ordinance No. 3510 and a map showing proposed rezoning.

**ORDINANCE NO. 3510**

**AN ORDINANCE REZONING A TRACT OF LAND KNOWN AS DILLONS  
WEST FROM R-1, RESIDENTIAL LOW DENSITY TO C-2, HIGHWAY  
COMMERCIAL.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE  
CITY, KANSAS:**

**SECTION 1:** The following described real property located in Dodge City, Ford County, Kansas is hereby rezoned from R-1, Residential Low Density to C-2, Commercial Highway:

Commencing at the Northwest corner of Section 26, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M., Ford County, Kansas, thence South along the West line of said Section 26 a distance of 40 feet, thence East parallel to the North line of said Section 26 a distance of 50 feet to the point of beginning; thence continuing East parallel to and 40 feet South of the North line of said Section 26 a distance of 470 feet; thence South parallel to the West line of said Section 26 a distance of 460 feet to the North line of Block 10, Western Hills Addition Replat, Part Two, a platted subdivision in the Northwest Quarter of said Section 26; thence West parallel to the North line of said Section 26 along the North line of said Block 10 of Western Hills Addition Replat, Part Two a distance of 470 feet; thence North parallel to the West line of said Section 26 a distance of 460 feet to the point of beginning.

**SECTION 2:** This ordinance shall take effect, from and following its publication in the official paper, as required by law.

**PASSED BY THE CITY OF DODGE CITY GOVERNING BODY, IN REGULAR  
SESSION AND APPROVED BY THE MAYOR, THIS SEVENTH DAY OF  
FEBRUARY, 2011.**

---

E. KENT SMOLL, MAYOR

ATTEST:

---

NANNETTE POGUE, CITY CLERK



Bartram

R1

Comanche

Proposed Re-Zoning

C2

14th

Gray

13th

**Legend**

 New Zone



N.W. COR. SEC. 20,  
T24S, R25W

5-Island Fuel Facility,  
w/ canopy

COMMANCHE STREET

14TH STREET

50'

400'

470'

CANOPY

KIOSK BLDG. (8'x14')

UNDERGROUND  
FUEL TANKS

Drive

470'

50'

# SITE PLAN

Survey 11-16-2010 4:09:39 PM by AJE  
Plot Scale 1/32" = 1'-0" 4/14/12 PM by AJE  
2/1/2013 10:47:42 (001) Location: 03242-001 Concept: A, 1 of 2

## Memorandum

To: City Commissioners  
From: Cherise Tieben/Ken Strobel  
Date: February 4, 2011  
Subject: Wagon Wheel RHID  
Agenda Item: Resolution

**Recommendation:** Staff recommends adoption of Resolution 2011-01 which states City's intent to establish a Rural Housing Incentive District (RHID) for the construction of the Wagon Wheel Project and establishes a date for a Public Hearing concerning the matter.

**Background:** In 2008, the City commissioned a Housing Needs Analysis which reflected a critical shortage of housing available in the community. In 2009, the City Commission adopted a Resolution providing for several incentive programs in order to encourage housing development in the City. The RHID was identified as one of those programs. The program has captured the attention of several developers, including the Volz Builders. Working with City Staff the group has prepared a development plan providing for a series of multi-family duplexes to be located in the Wagon Wheel Addition on the east side of Avenue A just north of Highway 50.

Under the proposed RHID plan, the developer finances the infrastructure and duplex construction. The developer is then reimbursed for a portion of the infrastructure costs through the incremental real estate taxes assessed against the completed improvements, which allows the developer to price the duplexes at an affordable rate. The development will include eighteen (18) multi-family duplexes. Each duplex unit will include individual laundry facilities, cable television hook-ups and at least a single car garage. The duplexes will provide high quality living accommodations and amenities at an affordable rental rate.

**Justification:** Establishment of the RHID is necessary in order to address the City's critical housing shortage.

**Financial Considerations:** Infrastructure costs are paid by the incremental real estate tax resulting from the development.

**Purpose/Mission:** To provide adequate housing in order for the City to accommodate present and future growth.

**Legal Considerations:** The RHID is established under the statutory provisions authorizing city's of our size to provide incentives for housing development as approved by the State Department of Commerce.

**Attachments:** Resolution 2011-01

**RESOLUTION NO. 2011-01**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING. (WAGON WHEEL PROJECT, VOLZ BUILDERS)**

**WHEREAS**, K.S.A. 12-5241 *et seq.* (the “Act”) authorizes any city incorporated in accordance with the laws of the state of Kansas (the “State”) with a population of less than 40,000 located in a county with a population of less than 60,000, to designate rural housing incentive districts within such city; and

**WHEREAS**, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

**WHEREAS**, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein; and

**WHEREAS**, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary agree with the finding contained in such resolution; and

**WHEREAS**, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district; and

**WHEREAS**, the City of Dodge City, Kansas (the “City”) has an estimated population of approximately 28,000, is located in Ford County, Kansas, which has an estimated population of approximately 34,000, and therefore constitutes a city as said term is defined in the Act; and

**WHEREAS**, the Governing Body of the City has performed a Housing Needs Analysis dated April 23, 2008 (the “Analysis”), a copy of which is on file in the office of the City Clerk; and

**WHEREAS**, the Governing Body of the City has heretofore adopted Resolution No. 2009-19 which made certain findings relating to the need for financial incentives relating to the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of such Resolution

and a Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and

**WHEREAS**, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated October 7, 2009, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the “District”); and

**WHEREAS**, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed District in accordance with the provisions of the Act (the “Plan”); and

**WHEREAS**, the Plan includes:

1. The legal description and map required by subsection (a) of K.S.A. 12-5245;
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows the public benefits derived from such District will exceed the costs and that the income therefrom, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such District; and

**WHEREAS**, the Governing Body of the City proposes to continue proceedings necessary to create a Rural Housing Incentive District, in accordance with the provisions of the Act, and adopt the Plan, by the calling of a public hearing on such matters.

**THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Dodge City, Kansas as follows:

**Section 1. Proposed Rural Housing Incentive District.** The Governing Body hereby declares an intent to establish within the City a Rural Housing Incentive District. The District is proposed to be formed within the boundaries of the real estate legally described in *Exhibit A* attached hereto, and shown on the map depicting the existing parcels of land attached hereto as *Exhibit B*. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District and the existing assessed valuation of said real estate, listing the land and improvement values separately, is attached hereto as *Exhibit C*.

**Section 2. Proposed Plan.** The Governing Body hereby further declares an intent to adopt the Plan in substantially the form presented to the Governing Body this date. A copy of the Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the housing and public facilities projects that are proposed to be constructed or improved in the proposed District, and the location thereof are described in *Exhibit D* attached hereto. A summary of the contractual assurances by the developer and the comprehensive feasibility analysis is contained in *Exhibit E* attached hereto.

**Section 3. Public Hearing.** Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on March 21, 2011, at the City Commission Meeting Room, City Hall, 806 N. Second Avenue, Dodge City, Kansas 67801; the public hearing to commence at 7:00 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

**Section 4. Notice of Public Hearing.** The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions;

- a. A certified copy of this resolution shall be delivered to:
  - (i) the Board of County Commissioners of Ford County, Kansas;
  - (ii) the Board of Education of U.S.D. No. 443; and
  - (iii) the Planning Commission of the City.
- b. This Resolution, specifically including *Exhibit A* thru *E* attached hereto, shall be published at least once in the official newspaper of the City not less than one week nor more than two weeks preceding the date of the public hearing.

**Section 5. Further Action.** The Mayor, City Manager, City Clerk and the officials and employees of the City, including the City Attorney, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

**Section 6. Effective Date.** This Resolution shall take effect after its adoption by the Governing Body.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**ADOPTED** by the Governing Body of the City of Dodge City, Kansas, on February 7, 2011.

(SEAL)

\_\_\_\_\_  
E. Kent Smoll, Mayor

ATTEST:

\_\_\_\_\_  
Nannette Pogue, City Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2011-01 adopted by the Governing Body of the City on February 7, 2011 as the same appear of record in my office.

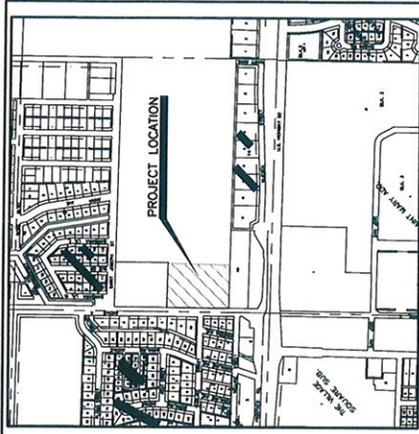
DATED: February 7, 2011

\_\_\_\_\_  
Nannette Pogue, City Clerk

*EXHIBIT A*

**LEGAL DESCRIPTION OF PROPOSED  
RURAL HOUSING IMPROVEMENT DISTRICT BOUNDARIES  
FOR WAGON WHEEL PROJECT, VOLZ BUILDERS**

Lots 1, 2, 3, 4, 5 and 6, Block 1, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Block 2, Wagon Wheel Addition, Unit One to the City of Dodge City, Ford County, Kansas.



VICINITY MAP  
(NOT TO SCALE)

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	77.90'	50.00'	89°15'53"	S 44°10'00" E	70.26'
C2	79.18'	50.00'	90°44'07"	S 45°50'00" W	71.16'

REFERENCE TIES

- I. 1/2" IRON FOUND SET AT CORNER
- II. W/2" CONCRETE TELEPHONE PEDESTAL
- III. TOP CENTERLINE TELEPHONE PEDESTAL
- IV. UNDERGROUND ELECTRIC ON POWER POLE
- V. 1/2" IRON BAR FOUND AT CORNER
- VI. 1/2" IRON BAR W/ RED CAP, WINDHOLZ KLS 1224
- VII. TOP S. END CMP
- VIII. TRAVELWAY DRIVEWAY
- IX. 1/2" IRON BAR FOUND AT CORNER
- X. FENCE LINE BEARING NORTH
- XI. N/A
- XII. N/A
- XIII. 1/2" IRON BAR W/ RED CAP, WINDHOLZ KLS 1224
- XIV. POWER POLE
- XV. FENCE BEARING EAST - WEST
- XVI. T. FENCE POST

Point	North	East	Int-Angle	Bearing	Distance
1	172285.10	874710.15		N 0°27'08" E	643.40
2	172285.10	891515.53		S 88°47'57" E	511.57
3	1722874.38	875221.61		S 0°27'11" W	643.51
4	1722300.89	875216.61		N 88°47'14" W	511.64
5	1722041.72	891313.95		N 88°47'14" W	511.64
6	1722041.72	897453.95		N 88°47'14" W	511.64

Perimeter: 2310.12 Accum.Perimeter: 2310.12  
 Approx. Sq. Feet: 329168.61 Acres: 7.557

Correct Ending Coordinates: North: 1722041.72 East: 874705.07  
 Ending Coordinates: North: 1722041.72 East: 874705.08  
 Correct Starting Coordinates: North: 1722041.72 East: 874705.07  
 Starting Coordinates: North: 1722041.72 East: 874705.08  
 Distance Traversed: 2310.12 Closure: 342.782

Final Plat

WAGON WHEEL  
 ADDITION, UNIT ONE

an Addition, City of Dodge City,  
 Ford County, Kansas



2018 Anderson Avenue, Suite 2 • Manhattan, Kansas 66503  
 (785) 776-0541 • FAX 776-9760 • Email: tim@smhconsultants.com  
 Project #091218FE DD #83

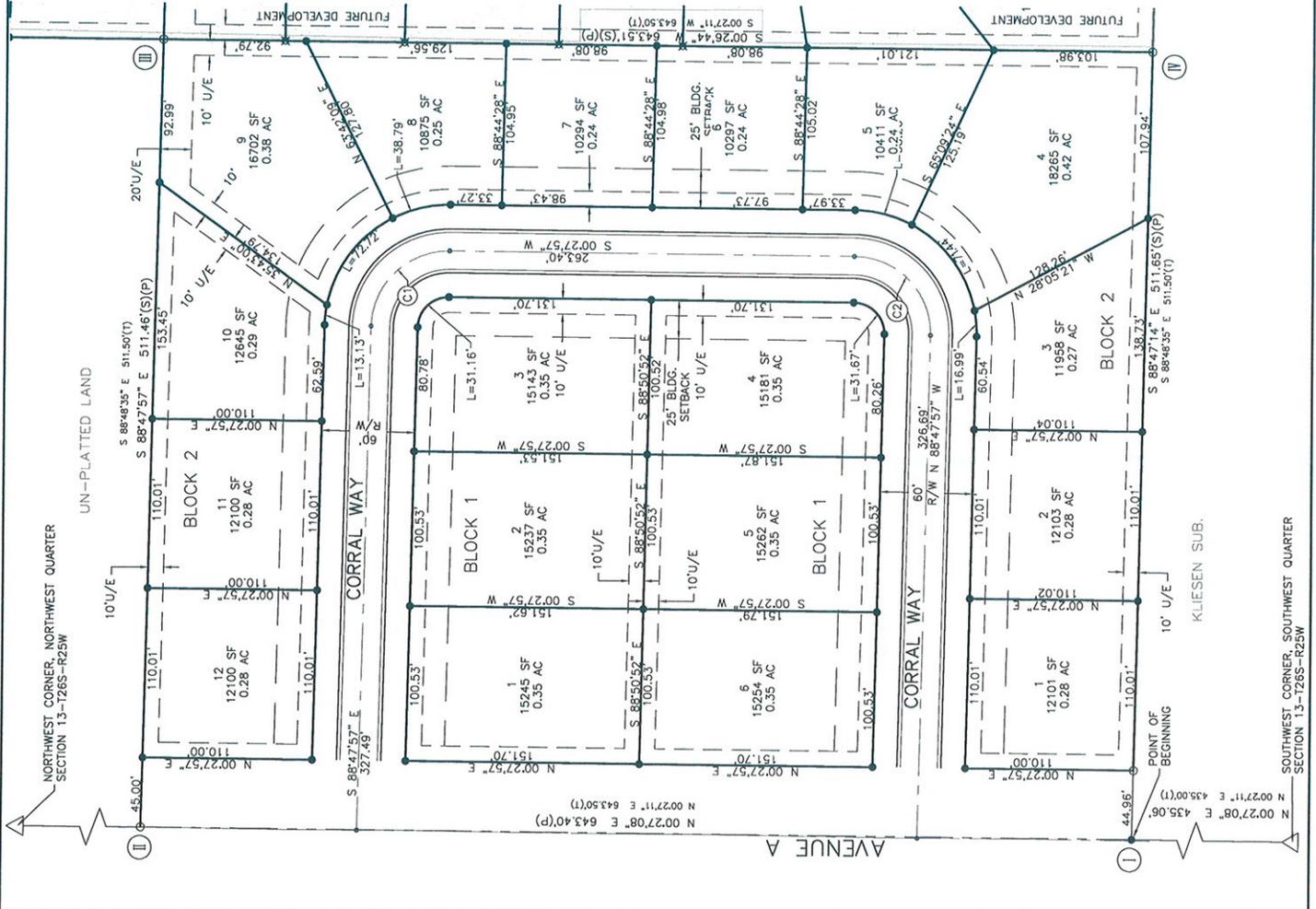
AUGUST 2010

SHEET 1 OF 2

LEGEND

- MONUMENT FOUND (1/2" REBAR)
- MONUMENT NOT SET
- SURVEYED DISTANCE AND/OR PLAT DISTANCE
- SURVEY DISTANCE BY TAYLOR & ASSOC., DATED 5/29/2009
- 1/2" x 24" REBAR W/ L566 CAP SET
- ⊗ MONUMENT NOT SET
- (S)(P) SURVEYED DISTANCE AND/OR PLAT DISTANCE
- (T) SURVEYED DISTANCE BY TAYLOR & ASSOC., DATED 5/29/2009

BEARINGS USED FOR THIS SURVEY WERE BASED ON THE SOUTH LINE OF KLIJSEN HILLS SUBDIVISION, BEING S 88°49'32" E.



NORTHWEST CORNER, NORTHWEST QUARTER SECTION 13-126S-R25W

SOUTHWEST CORNER, NORTHWEST QUARTER SECTION 13-126S-R25W

KLIJSEN SUB.

CITY APPROVAL  
STATE OF KANSAS  
CITY OF DODGE CITY

THE ABOVE AND FOREGOING DOCUMENT KNOWN AS "WAGON WHEEL ADDITION, UNIT ONE" TO THE CITY OF DODGE CITY, FORD COUNTY, KANSAS, HAVING BEEN SUBMITTED TO THE GOVERNING BODY OF THE CITY OF DODGE CITY, FORD COUNTY, KANSAS, AND HAVING BEEN APPROVED BY SAID BODY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, HAS BEEN EXAMINED AND CONSIDERED AND THE SAME IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

THE CITY OF DODGE CITY, KANSAS

KENT SMALL, MAYOR  
MANNETTE POGUE, CITY CLERK

CERTIFICATION BY COUNTY SURVEYOR  
STATE OF KANSAS  
COUNTY OF FORD SS

THIS PLAT HAS BEEN EXAMINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010 FOR COMPLIANCE WITH THE REQUIREMENTS OF THE ACT CONCERNING LAND SURVEYS IN THE STATE OF KANSAS, K.S.A. 58-2005.

EDWARD W. EDAM, COUNTY SURVEYOR, FORD COUNTY, KANSAS

DODGE CITY ZONING BOARD:  
THIS PLAT OF "WAGON WHEEL ADDITION, UNIT ONE" HAS BEEN SUBMITTED TO AND APPROVED BY THE DODGE CITY ZONING BOARD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

CHAIRMAN, BILLY WANNING, PhD  
SECRETARY, DENNIS L. YEATCH

REGISTER OF DEEDS CERTIFICATE  
STATE OF KANSAS  
COUNTY OF FORD SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF FORD COUNTY REGISTER OF DEEDS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010 IN PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, AND IS DULY RECORDED.

BRENDA POGUE, FORD COUNTY REGISTER OF DEEDS

TRANSFER RECORD CERTIFICATE:  
THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS ENTERED INTO THE TRANSFER RECORD ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

SHARON SEIBEL, FORD COUNTY CLERK

Final Plat  
**WAGON WHEEL  
ADDITION, UNIT ONE**  
an Addition, City of Dodge City,  
Ford County, Kansas

**SMH CONSULTANTS**  
4201B Anderson Avenue, Suite 2 • Manhattan, Kansas 66503  
(785) 776-0541 • FAX 776-9760 • Email: [lin@sloanandmeier.com](mailto:lin@sloanandmeier.com)  
Project #091218FE DD #83

**AUGUST 2010**

SHEET 2 OF 2

OWNERS CERTIFICATE:  
THE UNDERSIGNED, TIM VOIZ, HEREBY CERTIFIES THAT HE IS A GENERAL PARTNER OF GUNSMOKE LLC, AND HAS CAUSED TO BE Laid OUT AND PLATED THIS TRACT OF LAND AS SHOWN ON THIS PLAT, KNOWN AS "WAGON WHEEL ADDITION, UNIT ONE" AN ADDITION TO THE CITY OF DODGE CITY, FORD COUNTY, KANSAS, WHICH INCLUDES PORTIONS OF THE FOLLOWING: A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 28 SOUTH, RANGE 10 WEST, MERIDIAN 10 WEST, FORD COUNTY, KANSAS; AND A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 28 SOUTH, RANGE 10 WEST, MERIDIAN 10 WEST, FORD COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 07°27'11" EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 435.00 TO THE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 07°27'11" EAST ALONG THE WEST LINE A DISTANCE OF 643.50 FEET;  
THENCE SOUTH 88°48'35" EAST A DISTANCE OF 511.50 FEET;  
THENCE SOUTH 88°48'35" WEST A DISTANCE OF 511.50 FEET;  
THENCE NORTH 88°48'35" WEST A DISTANCE OF 511.50 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 7.259 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

THE UNDERSIGNED, AS SUCH OWNERS, DO HEREBY STATE THAT ALL STREET RIGHT-OF-WAYS AS SHOWN ON THIS PLAT ARE EITHER ALREADY Laid OUT AND PLATED OR ARE TO BE Laid OUT AND PLATED IN CONNECTION WITH THE CONSTRUCTION, OPERATION, INSPECTION, REPAIR, REPLACEMENT AND MAINTENANCE OF POLES, WIRES, CONDUITS, WATER, GAS, SEWER, TELEPHONE, CABLE TELEVISION, OR OTHER UTILITIES AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES. THE UNDERSIGNED SHALL BE RESPONSIBLE FOR THE Laying OUT AND PLATING OF ALL SUCH UTILITIES AND SHALL INCLUDE ALL FORMS OF TRAVEL BY WHATEVER MEANS, UNLESS THE TERM "TRAVEL" IS LIMITED BY OTHER WORDS OR PHRASES, SUCH AS, "PEDESTRIAN TRAVEL", ETC. THE UNDERSIGNED ACKNOWLEDGES THAT PURSUANT TO K.S.A. 12-406, THE DEDICATION OF RIGHT-OF-WAYS AND EASEMENTS TO A PUBLIC TRUST, FOR THE USES NAMED, EXPRESSED OR IMPLIED, IN THIS INSTRUMENT, IS A PUBLIC TRUST, FOR THE USES NAMED, EXPRESSED OR IMPLIED.

GUNSMOKE LLC

TIM VOIZ, GENERAL PARTNER

STATE OF KANSAS  
COUNTY OF FORD SS

BEFORE ME, A NOTARY PUBLIC, WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS INSTRUMENT AND ACKNOWLEDGED TO ME THAT SAID PARTY EXECUTED THE SAME AS A FREE AND VOLUNTARY ACT AND DEED FOR THE PURPOSES SET FORTH, IN WITNESS WHEREOF, I HAVE HEREUNTO PUT MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC

SURVEYOR CERTIFICATE:  
I, TIM SLOAN, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM, BY PROFESSION, A LAND SURVEYOR, AND THAT THE PLAT OF "WAGON WHEEL ADDITION, UNIT ONE" AN ADDITION TO THE CITY OF DODGE CITY, FORD COUNTY, KANSAS CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE 2nd DAY OF JULY, 2010, AND MEETS THE KANSAS MANUAM STANDARDS FOR THE PRACTICE OF LAND SURVEYING OF A TRACT OF LAND WHICH INCLUDES PORTIONS OF THE FOLLOWING: A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 28 SOUTH, RANGE 10 WEST, MERIDIAN 10 WEST, FORD COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 07°27'11" EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 435.00 TO THE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 07°27'11" EAST ALONG THE WEST LINE A DISTANCE OF 643.50 FEET;  
THENCE SOUTH 88°48'35" EAST A DISTANCE OF 511.50 FEET;  
THENCE SOUTH 88°48'35" WEST A DISTANCE OF 511.50 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 7.259 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

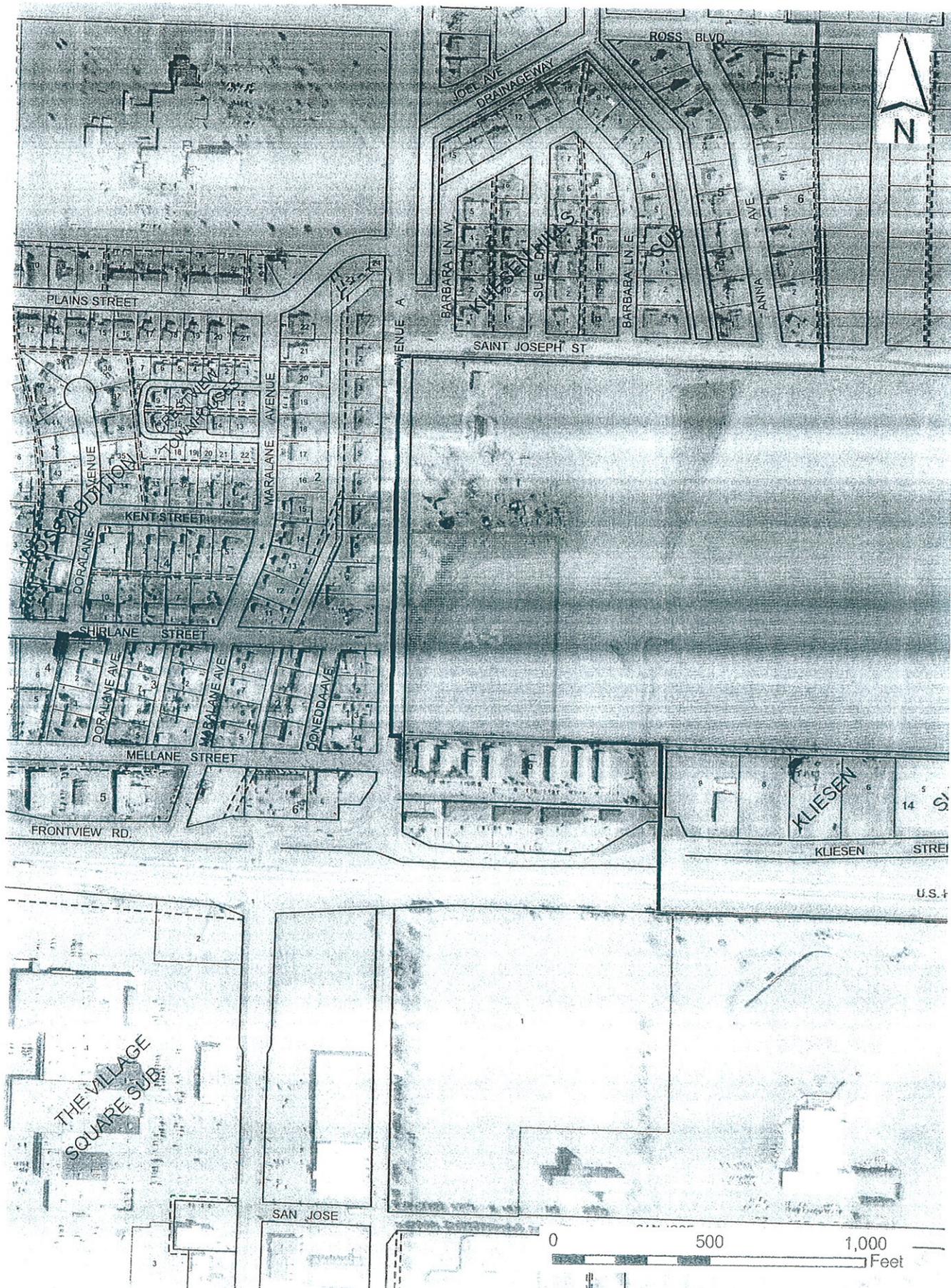


OWNER and SUB-DIVIDER:  
Gunsmoke, LLC,  
Ford County, Kansas,  
Address 11170 Kliesen Street  
Dodge City, Kansas 67801  
Ph: 620-225-3127  
Contact: Tim Voiz, General Partner

SURVEYOR:  
SMH Consultants  
Tim Sloan, L.S., President  
4201B Anderson Avenue, Suite 2,  
Manhattan, KS 66503  
PH: 785-776-0541

*EXHIBIT B*

**MAP OF PROPOSED  
RURAL HOUSING IMPROVEMENT DISTRICT BOUNDARIES  
FOR WAGON WHEEL PROJECT, VOLZ BUILDERS**



*EXHIBIT C*

**NAMES AND ADDRESSES OF THE OWNERS OF RECORD OF ALL REAL  
ESTATE PARCELS WITHIN THE PROPOSED RURAL HOUSING INCENTIVE  
DISTRICT AND THE EXISTING ASSESSED VALUATION OF SAID  
REAL ESTATE PARCELS**

Owner of Record: Gunsmoke LLC  
11170 Kliesen  
Dodge City, KS 67801

2009 Assessed Valuation: Land: \$81,590.00  
Improvements: \$0 (vacant land)

## ***EXHIBIT D***

### **DESCRIPTION OF THE HOUSING AND PUBLIC FACILITIES PROJECT OR PROJECTS THAT ARE PROPOSED TO BE CONSTRUCTED OR IMPROVED IN THE PROPOSED RURAL HOUSING INCENTIVE DISTRICT**

#### ***Housing Facilities***

The housing facilities will include eighteen (18) multi-family duplexes. The duplexes will be constructed in one phase. Each duplex unit will include individual laundry facilities, cable television hook-ups and at least a single car garage.

#### ***Public Facilities***

Public improvements will include the extension of water, sewer, gas and electric distribution lines along the boundaries of the development. Public improvements will also include construction of infrastructure improvements located within the boundaries of the development, including water, sanitary sewer, storm sewer, storm water detention, streets and street lighting. The public improvements will be constructed as necessary to serve the Project as described above.

## ***EXHIBIT E***

### **SUMMARY OF THE CONTRACTUAL ASSURANCES BY THE DEVELOPER AND OF THE COMPREHENSIVE FEASIBILITY ANALYSIS**

#### Contractual Assurances.

The Governing Body of the City of Dodge City has entered into a development agreement with Volz Builders. This agreement, as supplemented and amended, includes the project construction schedule, a description of projects to be constructed, financial obligations of the developer and financial and administrative support from the City of Dodge City.

#### Feasibility Study.

The City conducted a study to determine whether the public benefits derived from the District will exceed the costs and that the income from the District, together with other sources of revenue provided by the developer, would be sufficient to pay for the public improvements to be undertaken in the District. The analysis estimates the property tax revenues that will be generated from the development, less existing property taxes to determine the revenue stream available to support the costs of the public infrastructure. The estimates indicate that the revenue realized from the project would be adequate to pay the costs of the public infrastructure.

**CERTIFICATE OF DELIVERY AND PUBLICATION**

STATE OF KANSAS            )  
  ) §:  
COUNTY OF FORD         )

The undersigned, City Clerk of the City of Dodge City, Kansas (the “City”), does hereby certify, as follows:

- (a) On February 8, 2011, I caused a certified copy of Resolution No. 2011-01 with *Exhibits A thru E* attached (the “Resolution”), to be delivered to the following:
  - (1) the Board of County Commissioners of Ford County, Kansas;
  - (2) the Board of Education of U.S.D. No. 443; and
  - (3) the Planning Commission of the City.
  
- (b) I caused a copy of the Resolution to be published one time in *The Dodge City Daily Globe*, the official newspaper of the City, on \_\_\_\_\_, 2011, which date was not less than one week nor more than two weeks after preceding the date fixed for the public hearing. A true copy of the affidavit of publication of the Resolution is attached to this Certificate.

**WITNESS** my hand and seal on \_\_\_\_\_, 2011.

(Seal)

\_\_\_\_\_  
Nannette Pogue, City Clerk

## Memorandum

*To: City Commissioners*  
*From: Kaci Davignon, Housing and  
Neighborhood Revitalization  
Coordinator*  
*Date: February 3, 2011*  
*Subject: Resolution 2011-02*

---

**Recommendation:** Staff recommends the approval of Resolution No. 2011-02 which indicates the City of Dodge City's support of the Cohen-Esrey Affordable Partners, LLC's application to the Kansas Housing Resource Corporation for housing tax credits.

**Background:** In April of 2008 the City and County received the CHAT report which provided our community with a housing needs and analysis. The report showed that our community housing needs were substantial and provided guidance to the areas which the cause of the shortage and efforts which can be made to correct the issue. The report also indicated that there was a need for housing on many different income levels. Utilization of housing tax credits allow developers the opportunity to make moderate income dwellings available to low income renters.

**Justification:** The Dodge City/Ford County Development Corporation has been working to recruit developers to increase the amount of housing within the Dodge City/Ford County area. Cohen-Esrey Affordable Partners, LLC is proposing to build 28 units through tax credit housing within Dodge City. Low-to-moderate income citizens and families will benefit from this tax credit.

**Financial Considerations:** None at this time.

**Purpose/Mission:** This resolution assists staff by taking the first step to improving housing opportunities and therefore, improving the quality of life for our citizens.

**Legal Considerations:** None

**Attachments:** None

**RESOLUTION NO. 2011-02**

**A RESOLUTION REQUESTING SUPPORT OF AN APPLICATION FOR HOUSING TAX CREDITS TO BE UTILIZED FOR THE DEVELOPMENT OF AFFORDABLE RENTAL HOUSING LOCATED AT 1107 6<sup>TH</sup> AVENUE, DODGE CITY, KANSAS.**

**WHEREAS**, the City of Dodge City, Kansas has been informed by Cohen-Esrey Affordable Partners, LLC that a housing tax credit application will be filed with the Kansas Housing Resources Corporation for the development of affordable rental housing to be located at 1107 6<sup>th</sup> Avenue, Dodge City, Kansas.

**WHEREAS**, this housing complex will contain up to 28 units.

**WHEREAS**, the complex will include the following in each apartment: a full kitchen and be equipped with a washer and dryer, community spaces for tenants and a safe room for protection from violent weather. The existing gazebo will be restored and green space with a picnic area and playground will be constructed on the west side of the property.

**WHEREAS**, the developer will request local assistance to apply for the Neighborhood Revitalization Program.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Dodge City Governing Body that we support and approve the development of the aforesaid housing in our community, subject to city ordinances and the building permit process. This resolution is effective until February 29, 2012. In the event that any of the characteristics mentioned above should change prior to the issuance of a building permit, this resolution is null and void.

**ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR**, this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
E. Kent Smoll, Mayor

Attest:

\_\_\_\_\_  
Nannette Pogue, City, Clerk

# Memorandum

To: Ken Strobel  
City Manager  
From: Joseph E. Finley, P.E.   
Director of Engineering  
Date: February 2, 2011  
Subject: Recommendation for design services with BHC for Comanche Street  
Agenda Item: New Business

---

**Recommendation:** Approve contract with BHC for design for Comanche Street from 14<sup>th</sup> Street to US-50.

**Background:** The City has identified the need to improve Comanche Street from 14<sup>th</sup> Street to US-50. KDOT has agreed to fund \$3,100,000 of the anticipated cost through the Federal Set Aside Program. This project was scheduled to be late in 2012. However, recently the commission authorized KDOT to purchase the Federal Funds and reduce payment to the City by 10%. By doing this, the City will not need to meet all of the design standards required by KDOT and the project should be ready for bidding in late 2011 or early 2012.

**Justification:** Hiring BHC to complete the design of the project will insure that the project meets with the expectations of the various stakeholders and meets design criteria for roadway design.

**Financial Considerations:** The cost of the design will be \$342,670. Design costs were part of a bond issue that was approved in 2010.

**Purpose/Mission:** This project will provide for a quality design and will develop a roadway for a developing corridor

**Legal Considerations:** None

**Attachments:** The Contract with BHC

**AGREEMENT FOR SERVICES**

**Professional Engineering Services  
Comanche Street Final Design**

**Between:**

**BRUNGARDT HONOMICHL & COMPANY, P.A.**

**And**

**City of DODGE CITY, KANSAS**

**BHC RHODES Contract Number: 12540.00.02  
February 2, 2011**

**AGREEMENT FOR  
PROFESSIONAL SERVICES**

THIS AGREEMENT, effective the 2nd day of February, 2011, by and between **Brungardt Honomichl & Company, P.A.** (hereinafter referred to as Consultant), a professional corporation with offices at 6363 College Blvd., Suite 500, Overland Park, Kansas 66211, and the city of Dodge City, Kansas (hereinafter referred to as City), a public entity.

WITNESSETH:

WHEREAS, City requires engineering services for final design of Comanche Street as described below in Attachment 'A'; and,

WHEREAS, Consultant is prepared to provide such services;

NOW THEREFORE, in consideration of the premises and mutual covenants herein contained, the parties hereto agree as follows:

ARTICLE 1.0 - SERVICES TO BE PERFORMED BY CONSULTANT. Consultant shall perform the Services described in Attachment A, Scope of Services, which is attached hereto and incorporated by reference as part of this agreement.

ARTICLE 2.0 - COMPENSATION. City shall pay Consultant for performance of services in accordance with fees presented in Attachment B, Fee Schedule, which is attached hereto and incorporated by reference as part of this agreement. Consultant shall submit invoices every four weeks with breakdowns based on percent completion of the project. Payment shall be made within 30 days after receipt of invoice.

ARTICLE 3.0 - GENERAL OBLIGATIONS OF CONSULTANT. Consultant shall exercise the same degree of care, skill, and diligence in the performance of the Services as is ordinarily provided in the performance of such services. All of the Services shall be performed by qualified personnel.

Consultant shall exercise usual and customary professional care in its effort to comply with all rules or regulations of the federal, state, or other government body or any administrative agency pertaining to the performance of the work hereunder.

ARTICLE 4.0 - GENERAL OBLIGATIONS OF THE CITY. The City shall provide payment to the Consultant as provided in Article 2.0, Compensation.

The City shall monitor the performance of the Consultant's work and shall notify them of any concerns and/or modifications required to the Services.

In order to assist the Consultant in the provision of professional services, the City will provide the name of a representative to whom the Consultant will report and from whom Consultant will receive review comments, instructions, directions and authorizations.

The City shall make available to the Consultant any documents, drawings, specifications, files or other information necessary in the execution and completion of the Services. The City shall furnish, at the City's expense, all information, requirements, reports, and instructions required by this Agreement. The Consultant may use such information, requirements, reports, and instructions in performing its services and is entitled to rely upon the accuracy and completeness thereof.

ARTICLE 5.0 - OWNERSHIP OF DOCUMENTS. The City acknowledges the Consultant's documents, including electronic files, as instruments of professional service. Nevertheless, the final documents prepared under this Agreement shall become the property of the City upon completion of the Services and payment in full of all monies due to the Consultant. The City shall not reuse or make any modification to the documents without the prior written authorization of the Consultant. The City agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Consultant, its officers, directors, employees and subconsultants (collectively, Consultant) against any damages, liabilities or cost, including reasonable attorneys' fees and defense costs, arising from or allegedly arising from or in any way connected with the unauthorized reuse or modification of the documents by the City or any person or entity that acquires or obtains the documents from or through the City without the written authorization of the Consultant.

ARTICLE 6.0 - INSURANCE. Consultant shall carry and maintain throughout the performance of the Services insurance acceptable to the City in the following amounts:

1. Workers Compensation, including occupational disease.  
(Statutory Limits)
2. General (Public) Liability

Bodily Injury	\$1,000,000
Property Damage	\$1,000,000
3. Automobile Liability (hired, owned, non-owned)

Bodily Injury	\$1,000,000
Property Damage	\$1,000,000
4. Professional Liability

Per Claim	\$1,000,000
Annual Aggregate	\$1,000,000

The Consultant shall provide the City with certificates of insurance evidencing the coverage in effect. After such policies become effective, none of such policies shall be canceled by the insurance company except after ten days notice in writing to the City.

ARTICLE 7.0 - INDEMNIFICATION. The Consultant shall indemnify the City and hold it and its officers harmless from any damage, expense, and liability or claim therefore on account of any injury, including death, resulting therefrom, or damage sustained by any person or persons (including the Consultant's employees) by reason of any negligent act, omission or neglect on the part of the Consultant's employees.

The City shall also indemnify the Consultant and hold him and his officers harmless from any damage, expense, and liability or claim therefore on account of any injury, including death resulting therefrom, or damage sustained by any person or persons (including the City's employees) by reason of any negligent act, omission, or neglect on the part of the City's employees.

Neither the City nor the Consultant shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence.

ARTICLE 8.0 - TERMINATION. Either party may terminate this Agreement at any time by giving the other party thirty days written notice of such termination. Immediately upon receipt of Notice of Termination, the Consultant shall discontinue Services and incur no further obligation or expenses. The Consultant shall be paid for all work completed prior to the effective date of such termination.

The Consultant shall not assign, transfer, or sublet this Agreement or any interest herein without the prior written consent of the City.

ARTICLE 9.0 - NON-DISCRIMINATION. There shall be no discrimination against any person employed pursuant to this Agreement in any manner forbidden by law.

ARTICLE 10.0 - STATUS. The Consultant shall, during the entire term of this Agreement, be construed to be an independent contractor, and in no event shall any of its personnel be construed to be an employee of the City.

ARTICLE 11.0 - GOVERNING LAW AND JURISDICTION. The City and Consultant agree that this Agreement and any legal actions concerning its validity, interpretation, and performance shall be governed by the laws of Kansas. It is further agreed that any legal action between the City and the Consultant arising out of this Agreement or the performance of the services shall be brought in a court of competent jurisdiction in Kansas.

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized representatives effective the day and year first above written.

**City of Dodge City**  
**Dodge City, Kansas**

**Consultant**  
**Brungardt Honomichl & Company, P.A.**

\_\_\_\_\_  
Authorized Signature

By: Steven K. Bachenberg  
Steven K. Bachenberg, P.E.

Title: Vice-President

Date: \_\_\_\_\_

Date: 2/2/11

ATTEST:

ATTEST:

\_\_\_\_\_  
City Clerk

Kathleen A. Wilson  
Notary Public



**Attachment A**  
**Scope of Services**

**Comanche Street Final Design**

The Consultant will provide professional services as follows:

**Project Description**

The following outlined scope of services is for the final design, construction plans, and bidding support for Comanche Street from 14<sup>th</sup> Ave to Highway 50 as a continuation of the conceptual design and study already performed under a previous agreement. This scope includes preparation of field check, office check, and final construction documents for the construction of Comanche Street as a 2-lane divided roadway section, with consideration for future widening of the street by the construction of additional lanes to the outside of the proposed 2-lane divided section. Improvements to existing traffic signals at 14<sup>th</sup> Ave. and Hwy 50 are anticipated to be relatively minor to allow for the tie-in of the proposed roadway section to the existing intersections. Internal intersections at Matt Down Lane and any other new intersections are expected to be limited to conventional stop-controlled configurations, however preliminary design will develop a potential layout for future construction of a roundabout at Matt Down.

**Task Description**

The task breakdown and corresponding effort anticipated for the work is provided below.

**A. Field Check Plans**

1. Develop horizontal and vertical alignment for roadway based on previous work and City direction. Prepare a preliminary layout for a 2-lane roundabout at Matt Down Lane intersection for planning of future improvements.
2. Develop final roadway typical sections for proposed and future construction.
3. Perform hydrologic and hydraulic analysis of drainage areas along Comanche and develop preliminary layout and sizing of cross-road culverts and roadside drainage systems per City design criteria.
4. Provide preliminary cross sections for roadway to identify grading limits and grading quantities.
5. Develop a preliminary plan for limited landscaping which may include plantings in median and roadway edge, stormwater BMPs, and roadside amenities (i.e. sidewalk, trail, etc.).
6. Prepare a preliminary plan for water line extension along Comanche.
7. Complete preliminary design of any traffic signal modifications that may be required at 14<sup>th</sup> Avenue and 50 Hwy.
8. Prepare a preliminary layout for proposed right-of-way/easement needed for construction.
9. Coordinate with utility representatives to develop a preliminary utility relocation layout.
10. Submit field check plans and preliminary cost opinion to City for review. Hold field review of plans on site.
11. Ongoing Communication (Meetings, Emails, and Phone Calls) with City Staff, Key Stakeholders, Utilities and the Project Team. Assumes up to 1 additional meeting in Dodge City during the field check plans phase.

## **B. Office Check Plans**

1. Make revisions to plans per field check comments.
2. Prepare right-of-way and easement descriptions and exhibits as required for construction and provide to the City for acquisition purposes.
3. Develop any special construction detail sheets that are not standard to City or KDOT.
4. Finalize surface drainage and storm sewer design including final inlet spacing, layout, cross-road culvert sizing, and supporting calculations. Also prepare refined plans for any limited stormwater BMPs to be installed.
5. Prepare Office Check Plans to City requirements. These plans will include: Title Sheet, Typical Sections, Index Map, General Notes and Legend, Survey Data Sheet, Removal and Relocation Sheet, Plan/Profile Sheets (1"=20' horiz.; 1"=10' vert.), Driveway Profiles, Intersection Detail Sheets, Storm Sewer/Culvert/Ditch Plan/Profile Sheets, Drainage Area Map, Drainage Calculations, limited Landscaping Plans, limited Roadside Amenities Plans, Water Line Plan/Profile Sheets, Pavement Marking and Signing Plans, Traffic Control Phasing Plans, project details, and Cross Sections at 25' intervals as well as three sections for each driveway (drive edges and centerline).
6. Develop an erosion control plan to support NOI Permit. SWPPP is assumed to be prepared by the contractor awarded the construction contract.
7. Develop concrete pavement joint layout plans and prepare required details.
8. Make final adjustments to project grading limits AND verify this work is still within the previously defined easements.
9. Prepare project specific special conditions to be inserted into the project manual for items not included or addressed by a City specification.
10. Internal quality check / plan review.
11. Update project quantities and provide revised opinion of probable costs to City.
12. Submit Office Check plans and special provisions to City. Assumes electronic submittal of PDFs and up to 3 full-size copies for the City.
13. Ongoing Communication (Meetings, Emails, and Phone Calls) with City Staff, Key Stakeholders, Utilities and the Project Team. Assumes up to 2 meetings in Dodge City during the office check phase.

## **C. Final Plans**

1. Make revisions to plans per Office Check comments.
2. Add final plan information and make final plan revisions for final plans.
3. Final internal quality check and review of plans, City standard specifications, and quantities.
4. Prepare and submit the Engineer's Opinion of Probable Cost to the City for their review at time of bid opening.
5. Assemble special provisions, bid proposal, and invitation to bid sections for bid document package using standard City forms.
6. Distribute hard copy of plans to City (2 Full and 3 Half-size bond sets). Provide electronic deliverable of PDF plan set to City.
7. Prepare for and attend 1 public information meeting. Assumes up to 3 attendees with 1"=50' color exhibits showing the proposed improvements.
8. Ongoing Communication (Meetings, Emails, and Phone Calls) with City Staff, Key Stakeholders, Utilities and the Project Team. Assumes up to 2 additional meetings in Dodge City during the final plans phase.

#### **D. Bidding Phase Support**

1. Answer questions from potential bidders during the advertising phase and attend pre-bid meeting in Dodge City.
2. If desired by City, distribute sets of bid documents to bidders for a reasonable non-refundable fee.

#### **Related Services not Included**

While not included in the basic or additional services thus far, it is understood that any construction engineering and observation services for the Comanche Street improvements that may be required would be negotiated prior to construction when this effort is more clearly defined.

#### **Assumptions**

1. Does not include any additional concept study or alternative alignment options.
2. Landscaping design is assumed to be limited in scope.
3. Assumes design will be completed using KDOT standard RCB plans and details or by specifying pre-cast RCBs for cross-road culverts.
4. Does not include any 4(f) or 6(f) evaluation, environmental impact statement, historical or environmental analysis, or any identification of or mitigation for wetlands or other aquatic habitat and assumes any Corp of Engineer 401 permit will fall under a Nationwide Permit. Requests for comment by typical State reviewing agencies (i.e. KDWP, State Historical Society, etc.) will be made by the Engineer. Does not include final submittal of any permits as part of this agreement.
5. Assumes that City will be responsible for advertising, bidding, and awarding the construction project.
6. No detailed design, spot elevations, or individual detail sheets for sidewalk ramps on the project. Standard details will be used.
7. Does not include any retaining wall structural design or detailing. Any retaining walls are assumed to be modular block systems designed as part of contractor's work.
8. Does not include any centerline staking or resetting of property corners.
9. Does not include any septic sewer system location, investigation, or design.
10. Cost estimates will be developed in today's dollars (2011) and inflated for 2013 construction.

#### **Time**

Tasks A through C are estimated to be completed within the lengths of time indicated below (measured from receipt of City comments from previous milestone submittal):

##### **Schedule:**

Field Check Plan Submittal  
Office Check Plan Submittal  
Final Check Plan Submittal  
PS&E Submittal

##### **Completed Within:**

5 months from NTP  
5 months  
2 months  
1 month

**Attachment B  
Fee Schedule**

**Comanche Street Final Design**

BASIC SERVICES

The City will reimburse the Consultant for the provision of professional services described in the Scope of Services on the basis of a lump sum amount of Three Hundred Forty-Two Thousand Six Hundred Seventy Dollars (\$342,670). Said lump sum shall include all labor, overhead, direct expense associated with the Scope of Services above, and a reasonable profit.

ADDITIONAL SERVICES

If additional services beyond those described in the Scope of Services are required and agreed to in writing by the City, an equitable adjustment in fee and time of performance will be mutually determined by both the Consultant and the City prior to the Consultant proceeding with the additional services.

Additional work will be performed on an hourly basis at the hourly rates listed below. Reimbursable expenses incurred outside of this agreement will be charged to the City in accordance with the reimbursable expense schedule listed on the next page.

<u>Title</u>	<u>Hourly Rates</u>
Principal Program Manager	\$170
Project Manager	\$142
Traffic Engineer	\$142
Project Engineer	\$120
Design/Staff Engineer	\$88
Designer	\$95
Design Technician	\$88
CAD Technician	\$62
Landscape Architect Project Manager	\$125
Landscape Architect	\$100
Clerical	\$42
Survey Manager	\$146
Project Surveyor	\$115
Sr. Survey Technician	\$86
Survey Technician	\$70
Drafter	\$60
Crew Chief	\$72
Crew Member	\$62

**Reimbursable Expenses:**

The following reimbursable expenses shall apply for work performed on a time and materials basis:

	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>
A. Passenger Vehicle	Per mile	IRS rate
B. Survey Vehicle	Per mile	\$0.70
C. Telephone/Cellular/Long Distance		Actual Cost
D. In House B&W Reproduction	Sq. Ft.	\$0.15
Color Reproduction	Sq. Ft.	\$1.00
E. Miscellaneous Supplies		Actual Cost
F. Freight & Postage		Actual Cost
G. Total Station Equipment fee	Per Hour	\$15.00
H. GPS Equipment fee	Per Hour	\$30.00
I. Robotic Total Station	Per Hour	\$40.00
J. Laser Scanning	Price per Project	
K. Traffic Counting Equipment	Per Day	\$30.00

# Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Ray Slattery, P.E.  
City Engineer*

*Date: February 1, 2011*

*Subject: Bids for Brier St.  
Improvements*

*Agenda Item: New Business*

---

**Recommendation:** Approve bid from APAC Kansas Inc., Shears Division for the construction of the Brier St. Improvements in the amount of \$501,441.35.

**Background:** The City has been working with Interfaith Housing Services, Inc. to develop the infrastructure of water, sewer, and street to service this development.

**Justification:** It is necessary to have adequate infrastructure for this sub-division to occur.

**Financial Considerations:** The construction of the Brier St. Improvements will cost \$501,441.35. Funding of this project will be through Special Assesments which have already been approved.

**Purpose/Mission:** The completion of this project will allow the developer to construct affordable housing for our citizens.

**Legal Considerations:** By approving the bid with APAC Kansas Inc., Shears Division the City will enter into a contract with APAC Kansas Inc., Shears Division and be responsible to make payments to APAC Kansas Inc., Shears Division for the completed work.

**Attachments:** The bid tabulation for APAC Kansas Inc., Shears Division and Klotz Sand Co., Inc. which includes the Engineers' estimate.



## Memorandum

To: Ken Strobel  
City Manager  
From: Joseph E. Finley, P.E.   
Director of Engineering  
Date: February 3, 2011  
Subject: Easement acquisition for pipeline for Wastewater Reclamation Facility  
Agenda Item: New Business

---

**Recommendation:** Approve payment to acquire easements

**Background:** The City has been working for several months to acquire the necessary permanent and temporary easements for the new transmission and force main lines for the new reclamation plant. The Commission previously set just compensation amounts for the all of the necessary parcels. We have negotiated with the various property owners and are now bringing to the commission several of the final offers.

**Justification:** The Commission needs to approve the final offers so that the easements can be purchased.

**Financial Considerations:** The appraisals have recommended the following offers:

Ford County	\$2,120
Barbara Higby	\$1,000
Gerard Lix	\$4,528
Bartel Truck Line	\$2,592

In addition, there will be approximately \$600 cost per parcel associated with closing costs and filing fees.

**Purpose/Mission:** The purchase of these easements will insure the completion of the project, which is necessary for the continued growth of Dodge City.

**Legal Considerations:** None

**Attachments:** None

# Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Dennis Veatch*

*Date: February 3, 2011*

*Subject: Dodge City Industrial Park  
Tract 3*

*Agenda Item: New business*

---

**Recommendation:** The Dodge City Zoning Board met January 18, 2011 to review this final plat of Dodge City Industrial Park Tract 3. They are recommending approval of this plat.

**Background:** The Dodge City/Ford County Development Corporation submitted the application for this plat for the purpose of creating an additional lot to develop a proposed new manufacturing/industrial use.

**Justification:** This plat conforms to the Dodge City Subdivision Regulations, Dodge City Zoning Regulations and the City Comprehensive Plan.

**Financial Considerations:** None

**Purpose/Mission:** This plat was created to provide additional areas for the development of commercial/industrial uses.

**Legal Considerations:** None

**Attachments:** Dodge City Industrial Park Tract 3

**PLAT BOUNDARY DESCRIPTION**  
 A tract of land located in the West 1/2 of Section 22, Township 26 South of the Baseline, Range 24 West of the South Principal Meridian, Dodge City, Ford County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of Tract 2 as shown on the recorded subdivision plat of Dodge City Industrial Park, Tracts 1 and 2, originally recorded in Plat Book D on Pages 205 and 206 and presently filed on Pages 482 and 483 of the recorded subdivision plat of Dodge City Industrial Park, Tracts 1 and 2, and proceeding from said point of beginning, said point being the Northeast corner of Allen Road and Jayhawk Drive, thence South 89° 27' 09" East for a distance of 80.00 feet, thence North 31° 32' 51" East for a distance of 80.00 feet to the Point of Beginning, said point being the Northeast corner of Allen Road and Jayhawk Drive, thence South 89° 27' 09" East for a distance of 191.89 feet, thence on a curve to the right having a radius of 510.00 feet, a central angle of 57° 32' 52", a chord bearing of South 29° 40' 43" East and a chord distance of 490.98 feet for a curve distance of 312.24 feet, thence South 54° 17' E for a distance of 198.76 feet, thence South 89° 27' 09" West for a distance of 500.54 feet, thence North 31° 32' 51" East along the easterly right of way line of Jayhawk Drive for a distance of 645.00 feet to the point of beginning, containing 350,367 square feet or 8.273 acres, including public road right of way.

Subject to Easements, Conditions and Restrictions recorded on August 31, 1994 in Miscellaneous Book 83 on Pages 153 - 177, Ford County Register of Deeds Office.

# FINAL PLAT OF DODGE CITY INDUSTRIAL PARK, TRACT 3

LOCATED IN THE WEST 1/2 OF SECTION 22,  
 T26S, R24W OF THE 6TH P.M., FORD COUNTY, KANSAS

**DEDICATION**  
 The undersigned proprietor of the herein described Parcel of land has caused the same to be subdivided in the manner shown hereon, which subdivision and plat shall hereafter be known as "DODGE CITY INDUSTRIAL PARK TRACT 3".

**EXECUTION**  
 IN TESTIMONY WHEREOF: Dodge City / Ford County Development Corporation, has by the authority of its Managing Partners caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Dodge City / Ford County Development Corporation

Jeffrey S. Hiers, (Chairman)

**ACKNOWLEDGEMENT**  
 STATE OF KANSAS }  
 COUNTY OF FORD } SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me appeared Jeffrey S. Hiers, who being by me duly sworn did say that he is a Chairman of Dodge City / Ford County Development Corporation, and that this instrument was signed on behalf of said corporation by authority of its Managing Partners, and said Jeffrey S. Hiers acknowledged the execution of said instrument to be a free act and deed of said company.

Notary Public

**BUILDING SETBACK LINES**  
 Building setback lines (denoted hereon as "B/L") are hereby established as shown on this plat and no buildings shall be constructed between the line and the street. Right-of-Way lines to which said Building Setback Lines are adjacent.

**PUBLIC EASEMENTS DEDICATION**  
 An easement or license is hereby granted to the City of Dodge City, Ford County, Kansas to locate, construct and maintain or to authorize the location, construction and maintenance of any or all of them, over, under and along the strip of land designated as "UTILITY EASEMENT" or by the abbreviation "U/E" on the accompanying plat.

**GENERAL NOTES**  
 1. Base of Easement: South 89° 27' 09" East along the Northeast line of Dodge City Industrial Park Tract 1 and 2.

**CITY APPROVALS**  
 DODGE CITY ZONING BOARD COMMISSION  
 This plat of "DODGE CITY INDUSTRIAL PARK, TRACT 3" has been submitted to and approved by the Dodge City Zoning Board Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Dr. Billy Manning, Chairman  
 Dennis Wacht, Secretary

**BOARD OF CITY COMMISSIONERS**  
 The dedications shown on this plat accepted by the Board of City Commissioners of the City of Dodge City, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Kent Small, Mayor  
 Attest: Nannette Pogue, City Clerk

**COUNTY APPROVALS & CERTIFICATES**  
 COUNTY SURVEYOR  
 Reviewed and approved by the County Surveyor, Ford County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Edward W. Barn, L.S., County Surveyor

**REGISTER OF DEEDS**  
 STATE OF KANSAS }  
 COUNTY OF FORD } SS

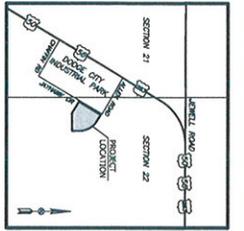
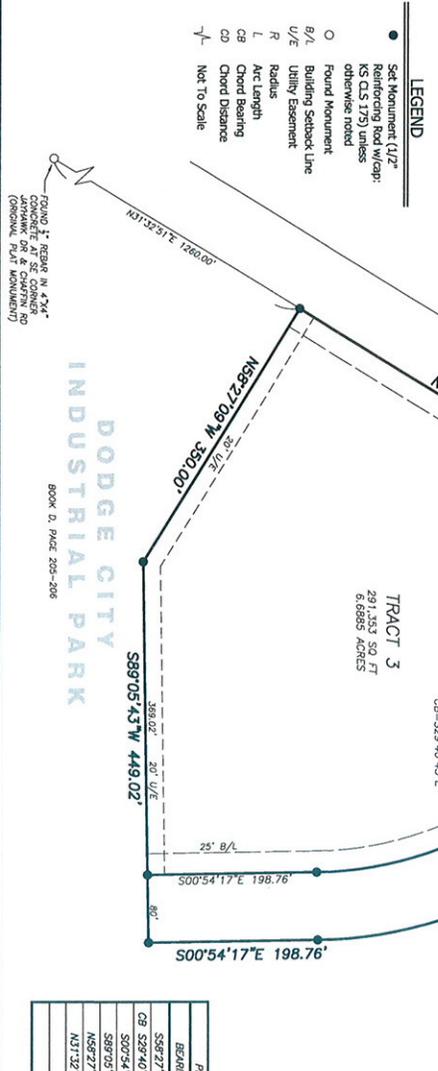
This is to certify that the instrument was filed for record in the Ford County Register of Deeds Office this \_\_\_\_\_ day of \_\_\_\_\_, 2011, in Book \_\_\_\_\_ Pages \_\_\_\_\_.

Brenda Pogue, Register of Deeds  
 Sharon Seibel, County Clerk

**PLAT DESCRIPTION CLOSURE TABLE**

BEARING	DISTANCE	NORTH	EAST
S56°27'09"E	191.89'	551.2542'	342.8195'
CB S29°40'43"E	CD 490.98'	460.8653'	506.3464'
S07°54'17"E	198.76'	24.2685'	749.4512'
S89°05'43"W	449.02'	-174.4516'	752.5895'
N56°27'09"W	350.00'	-181.5415'	303.6255'
N31°32'51"E	645.00'	1.5894'	5.3532'
ERROR: -0.0046'		0.00107'	
PRECISION RATIO		1 : 1,955,758	

**SURVEYOR'S CERTIFICATION**  
 THIS IS TO CERTIFY that on the "Final Plat" shown in the title block of this document, this survey was made by me or under my direct supervision and that said survey meets or exceeds the KANSAS MINIMUM STANDARDS for boundary surveys pursuant to K.S.A. 74-1031.



<p>Project: <b>FINAL PLAT                  DODGE CITY INDUSTRIAL PARK, TRACT 3                  PT. W. 1/2, SEC. 22-T26S-R24W                  DODGE CITY                  FORD COUNTY, KANSAS</b></p>	<p>Client: <b>DODGE CITY                  FORD COUNTY DEV. CORP.                  311 W. SPRUCE                  DODGE CITY, KS 67801</b></p>	<p><b>BHC RHODES</b>                  CIVIL ENGINEERS • SURVEYORS                  901 N. 8th Street, Suite 100                  Kansas City, Kansas 66101                  P: (913) 371-5131 F: (913) 371-2677                  BHC RHODES is a trademark of Barger-Hammill &amp; Company, P.A.</p>										
<p>Drawn By: <b>RLA</b>                  Checked By: <b>RLA</b>                  Printed Date: <b>12-22-10</b>                  Issue Date: _____</p>	<p>Sheet: <b>1</b> of <b>1</b></p>	<table border="1" style="width: 100%;"> <thead> <tr> <th>Rev.</th> <th>Date</th> <th>Description</th> <th>Drawn</th> <th>Checked</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Rev.	Date	Description	Drawn	Checked					
Rev.	Date	Description	Drawn	Checked								

## Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Jane Longmeyer *

*Date: February 2, 2011*

*Subject: Board/Commission Appts.*

*Agenda Item: New Business*

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**Recommendation:** Appoint the applicants as recommended by the Mayor to fill expired/vacant terms:

Housing Authority Board - Leland Kincaid, Celia Enriquez

Library Board - Jane Holwerda, Jeff Forrest

Airport Advisory Board - Kerry Zimmerman, Dan Cammack, Mitchell Counce

Dodge City Zoning Board - Luciana Martinez

Board of Zoning Appeals - Bill Pennington, Richard Goodnaugh, Nick King

Building Board of Appeals - H. Alex Chavez, Esteban Gallegos, Ryan Rabe, Ryan Scott

Historic Landmark Commission - Terry Lee, Kathie Bell

Convention & Visitors Bureau - Hospitality: Kim Cunningham; At Large: Kim Unruh

Shade Tree Commission - Mike Schubert, Marilyn Treto,

Parks & Recreation Adv. Board. - Debra Pennington, Jeff McDaniel

Golf Advisory Board - Bob Carlson

Recycling Advisory Board - John Scheffing, Kathy Redman, Scott James, Kirk Province

Santa Fe Trails Community Corrections Advisory Board - Kris Ball, Leslie Fisher

**Background:** During the month of January, applications are solicited from the general public to fill expired/vacant terms to the various boards and commissions. The notice regarding vacancies or expired terms is advertised through the media, City's web page, Facebook and Twitter. It was mentioned on Cable Channel 8 and a presentation was given to the United Way Young Leaders group.

**Justification:** The boards/commissions are established by ordinance.

**Financial Considerations:** None. The board/commission members serve as volunteers in an advisory capacity.

**Purpose/Mission:** The City of Dodge City presently appoints members to various advisory boards/commissions. These groups make recommendations to the City Commission regarding various phases of municipal operations or, in some cases, are responsible for operation of certain programs or facilities. These boards are an excellent place for individuals to assist the City by providing and recommending while learning about local government operations.

**Legal Considerations:** None

**Attachments:** None.